

AMENDED IN ASSEMBLY JUNE 25, 2002

SENATE BILL

No. 1843

Introduced by Committee on Budget and Fiscal Review

February 22, 2002

~~An act relating to public employees' retirement, and declaring the urgency thereof, to take effect immediately.~~ *An act to amend Section 17591 of the Business and Professions Code, to amend Section 1540 of the Code of Civil Procedure, to amend Section 37220.6 of, and to add and repeal Section 37220.8 of, the Education Code, to amend Sections 910.4, 915.2, 935.7, 7299.4, 7299.6, 10205, 13103.5, 14612, 15323.5, 16429.1, 16475, 16475.5, 16724.6, 16727, 16731.6, 17311, and 64000 of, to amend, repeal, and add Section 12439 of, to add Sections 11011.50, 14612.5, 14669.21, 15320, 15364.725, and 16320 to, and to add and repeal Section 68087 of, the Government Code, to amend Sections 18909, 18913, 18937, 18938, 18942, 18943, 33020, 33681, and 33681.5 of, and to add Sections 33681.7 and 33681.8 to, the Health and Safety Code, to add Section 12907 to the Insurance Code, to amend Sections 62.5, 142, 142.3, and 1777.5 of, and to repeal Section 142.6 of, the Labor Code, to amend Sections 830.5, 1203.1d, 6045.8, and 13601 of, to add Section 2933.3 to, and to add and repeal Section 1465.7 of, the Penal Code, to amend Section 5627 of, and to add and repeal Section 35033.5 to, the Public Resources Code, to amend Sections 309.5 and 3340 of, and to add Sections 384.1, 445.2, and 445.3 to, the Public Utilities Code, to amend Sections 7236, 13563, and 19521 of, and to add Section 30018 to, the Revenue and Taxation Code, to amend Sections 188.10, 2401, and 31071 of, and to repeal and add Article 4.8 (commencing with Section 179) of Chapter 1 of Division 1 of, the Streets and Highways Code, to amend Sections 1656, 1661, 1810, 1810.7, 4604.5, 9552, 9553, 9554, 9554.5, 13106, 14900,*

14900.1, 14905, 34602, and 34605 of, and to add Section 14907 to, the Vehicle Code, to amend Section 13260 of the Water Code, and to amend Section 3053 of, and to add Section 3055 to, the Welfare and Institutions Code, relating to state and local government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1843, as amended, Committee on Budget and Fiscal Review. ~~Budget Act: public employees' retirement~~ *State and local government.*

(1) Existing law provides for the licensing and regulation of persons engaged in barbering and cosmetology by the Bureau of Barbering and Cosmetology of the Department of Consumer Affairs. Existing law establishes the conditions for issuance of a license by the bureau.

This bill would require the bureau to issue the license on the same day as an applicant satisfactorily passes the examination.

(2) Existing law prohibits certain unfair business practices, including certain advertising practices. Existing law, effective January 1, 2003, requires the Attorney General to maintain a "do not call" list, containing the telephone numbers and ZIP Codes of residential or wireless telephone subscribers who do not wish to receive unsolicited and unwanted telephone calls from telephone solicitors and prohibits solicitors from calling those numbers, subject to certain exceptions. Existing law requires fees paid in connection with the "do not call" list to be deposited in the Special Telephone Solicitors Fund, including a fee charged by the Attorney General to subscribers, which may not exceed \$1 on a triennial basis.

This bill would provide that this fee may not exceed \$5 on a triennial basis.

(3) Existing law provides for the payment of interest at specified rates on the amount of unclaimed property claims, overpayments of estate taxes, and overpayments of corporation taxes.

This bill would provide that the interest rate shall be the lesser of 5% or the bond equivalent rate of 13-week United States Treasury bills, as specified.

(4) Existing law creates the Cesar Chavez Day of Service and Learning program and authorizes the California Commission on Improving Life Through Service to make grants to local and state operated Americorps or Conservation Corps programs that submit

proposals to engage pupils through their schools and school districts in community service that qualifies as instructional time on Cesar Chavez Day and that honors the life and work of Cesar Chavez, and makes an annual appropriation of \$5,000,000 for these purposes.

This bill instead would provide that the Governor's Office on Service and Volunteerism shall administer the program. The bill also would authorize the Governor's Office on Service and Volunteerism to make grants to community-based organizations that have a capacity to design and implement high quality service and learning opportunities to pupils in kindergarten and in grades 1 to 12, inclusive.

(5) Existing law establishes the holidays to which state employees in the executive branch of government, including the Legislative Counsel and the employees of the Legislative Counsel Bureau, are entitled.

This bill would require that the Legislative Counsel and the employees of the Legislative Counsel Bureau observe any holiday to which the Legislative Counsel and the employees of the Legislative Counsel Bureau are entitled and that is also observed by the Legislature on the same day that the holiday is observed by the Legislature.

(6) The existing Tort Claims Act provides for the liability and immunity of a governmental entity for its acts or omissions that cause harm to persons. Existing law provides that any claim for money or damages against the state or local agency is required to be presented to the State Board of Control, in the case of a claim made against the state, or a local board, in the case of a claim made against a local agency, within a specified period of time. Existing law permits the appropriate board to provide forms specifying the information required to be contained in the claim and specifies the circumstances under which a claim is deemed to have been presented in conformity with law.

This bill instead would require the appropriate board to provide those forms and would require each claim made against the public entity to be presented using those forms, as specified. By requiring a board of a local agency to provide those forms, the bill would impose a state-mandated local program.

Existing law requires a claim to be acted on within 45 days after the claim has been presented. Existing law specifies that a claim is deemed to have been presented and received at the time it is deposited in the United States mail system.

This bill would provide that any period of notice and any duty to respond after receipt of service of a claim, amendment, application, or notice is extended for a specified period of days depending upon



whether the place of address is within California, the United States, or outside the United States.

Existing law permits the Department of Transportation to adjust and pay any claim against the department if, among other things, the amount paid is \$1,000 or less.

This bill would increase that applicable amount to \$5,000 or less.

Other provisions of existing law have renamed the State Board of Control the Victim Compensation and Government Claims Board.

This bill would amend the references to the State Board of Control in the Tort Claims Act to refer to the Victim Compensation and Government Claims Board.

(7) The Dymally-Alatorre Bilingual Services Act requires each state agency to conduct a survey of its local offices every 2 years regarding their public contact positions and the provision of bilingual services as specified. Existing law also requires the State Personnel Board to compile the results of the survey, and provide it in a report to the Legislature every 2 years.

This bill would require the survey to include additional information, as specified. The bill would require each state agency to conduct an assessment and to develop and update an implementation plan that complies with the act. The bill would require the implementation plan to include specified information regarding the agency's procedures used to implement the act. The bill would revise and expand the duties of the State Personnel Board with regard to the surveys and implementation plans, and the report required to be submitted by the board.

(8) Existing law requires the Department of General Services to perform various functions with respect to state real property.

This bill would authorize the Director of General Services to sell, lease, or exchange specified real property in the City of Santa Clara.

(9) Existing law requires the Controller, commencing July 1, 2001, to abolish any state position that was vacant continuously for 6 consecutive monthly pay periods during the period between July 1 and June 30 of the preceding fiscal year. Existing law also requires that positions that were continuously vacant for 6 consecutive monthly pay periods during a fiscal year because of a hiring freeze in effect during part or all of that period be abolished unless the Director of Finance is notified of the need for, and approves of, the continuance of the positions. Existing law provides that the only exceptions to abolishment under these provisions are positions exempt from civil service or instructional and instruction-related positions authorized for the



California State University. Existing law also imposes upon the Controller reporting requirements related to these provisions.

This bill would, operative July 1, 2002, repeal and reenact these provisions. The bill would specify that the 6 consecutive monthly pay periods need not occur within a single fiscal year. The bill would also permit the Director of Finance to authorize the reestablishment of positions abolished under these provisions for certain additional reasons, would require the Controller to reestablish positions if specified criteria are met, would modify the Controller's reporting requirements, and would impose specified reporting requirements on each state department, as defined.

(10) Existing law requires the Department of Finance to prepare an annual audit report examining any expenditures made pursuant to allocations authorized to be made from the Transportation Investment Fund pursuant to specified provisions of the California Constitution, and to make the report available to the public and submit it to both houses of the Legislature.

This bill, instead, would authorize the department to perform audits, as it deems necessary, of the allocations or expenditures made in accordance with those constitutional provisions, and would require that any audit performed be reported to both houses of the Legislature. It would also make a technical, nonsubstantive change.

(11) Existing law requires the Department of General Services to commit itself to 2 specified categories of services, and sets forth the conditions pursuant to which the director of the department, notwithstanding existing statutes and regulations, is required or authorized, among other things, to transfer funds, provide relief from accountability for debts, procure goods from the private sector even though the goods may be available through the Prison Industry Authority, certify funds for the payment of specified legal settlements and tort claims, and approve specified departmental forms in lieu of the Director of Finance.

Existing law also exempts state agencies from using the Office of State Publishing for their printing needs and requires state agencies, when soliciting bids for printing services from the private sector, to solicit a bid from the Office of State Publishing when the project is anticipated to cost more than \$5,000.

Existing law provides that these provisions become inoperative on the effective date of the Budget Act of 2002, or June 30, 2002, whichever occurs later, and are repealed on January 1, 2003.



This bill would provide that these provisions shall remain operative only until the effective date of the Budget Act of 2003, or June 30, 2003, whichever occurs later, and as of January 1, 2004, are repealed.

Existing law permits the state to enter into personal services contracts only when specified criteria are met.

This bill would provide that for state printing procurement purposes, printing is not considered a personal service contract.

(12) Existing law authorizes the Director of General Services to hire, lease, lease-purchase, or lease with the option to purchase any real or personal property for the use of any state agency, if the director deems the hiring or leasing is in the best interests of the state.

This bill would authorize the director to acquire, develop, design, and construct a regional criminal justice laboratory, necessary infrastructure, and related parking on the California State University's Los Angeles campus. The director would also be authorized to enter into a long-term ground lease, for 75 years, with the Trustees of the California State University for the land, within the Los Angeles campus, upon which the project would be constructed. This bill would authorize the State Public Works Board to issue lease revenue bonds, negotiable notes, or negotiable bond anticipation notes, not to exceed \$92,000,000 plus additional specified sums, for the acquisition, development, design, and construction of the project. The board and the Office of Criminal Justice Planning would be authorized to borrow funds for project costs from the Pooled Money Investment Account or from any other appropriate source. This bill would provide that if the authorized bonds are not sold, the Office of Criminal Justice Planning shall commit a sufficient amount of its support appropriation to repay any loans made for the project.

This bill would authorize the Office of Criminal Justice Planning to execute a contract with the board for the lease of the regional crime laboratory facilities that are financed with the proceeds of the board's bonds. This bill would also authorize the Office of Criminal Justice Planning, with the consent of the board and the Department of General Services, to enter into contracts and subleases with specified parties for the use, maintenance, and operation of the regional crime laboratory facilities. This bill would require the Department of General Services to assign the ground lease to the Los Angeles Regional Crime Laboratory Facility Authority, or its successor agency, once the specified bonds or notes have been paid in full.



(13) Existing law generally sets forth the duties of the Technology, Trade, and Commerce Agency in developing and implementing various programs for the promotion of economic opportunities in the state.

This bill would require the agency to develop an agency-wide strategic plan covering a minimum of five years, and to include specified components, in order to better integrate program efforts and to highlight current state priorities. It would require the agency to ensure that short-term plans for programs within the agency are aligned with the agency-wide strategic plan, and, commencing February 15, 2003, to report annually to specified committees of the Legislature on its progress in implementing a strategic approach to its planning.

(14) Existing law creates within state government the Technology, Trade, and Commerce Agency and requires it to maintain regional offices in specified locations in the state, including the greater San Diego area. Under existing law, the San Diego regional office is required at least annually to make recommendations to the Governor and Legislature to improve the economic status of the San Diego border area.

This bill would authorize, rather than require, the agency to maintain regional offices in these specified locations. The bill would additionally authorize the agency to maintain regional offices in other areas of the state. The bill would also require the San Diego regional office to submit as appropriate rather than annually.

Existing law provides for the establishment of international trade and investment offices and the administration of those offices by the International Trade and Investment Division within the Technology, Trade, and Commerce Agency.

This bill would require the proponent of any new international trade and investment office to submit a proposed business plan for the office, with specified information, to the agency. It would require the agency, to the extent funds are available for that purpose, to evaluate the business plans and submit the evaluations to the Legislature.

The bill would require each international trade and investment office to annually provide specified baseline information and a report to the agency, and would require the agency to submit these annual reports to the Legislature.

(15) Existing law establishes and authorizes the expenditure of moneys from various accounts and funds in the State Treasury, including continuously appropriated funds. Existing law authorizes loans between accounts and funds under specified circumstances and

subject to specified conditions, and sets forth the duties of the Director of Finance in that regard.

This bill would authorize, unless otherwise prohibited by law, moneys in the State Treasury to be loaned from one state fund or account to any other state fund or account to address the 2002–03 fiscal year budgetary shortfall, subject to specified conditions. It would authorize the Director of Finance to order the repayment of all or a portion of any of these loans if he or she determines that either of specified circumstances exists, and to make specified reports to the Chairperson of the Joint Legislative Budget Committee with respect to the loans. By providing for the addition of moneys to continuously appropriated funds, this bill would make an appropriation.

(16) Existing law establishes in the State Treasury the continuously appropriated Local Agency Investment Fund to which a local agency, local governmental unit, or local governmental official, with the consent of the governing body of the agency, may remit money in its treasury that is not required for immediate needs for the purpose of investment to be held for a time determined by the local governmental unit. Existing law requires, immediately at the conclusion of each calendar quarter, that all interest earned and other increment derived from investments be distributed by the Controller to the contributing governmental units or trustees or fiscal agents, nonprofit corporations, and quasi-governmental agencies in amounts directly proportionate to the respective amounts deposited in the fund and the length of time the amounts remained therein.

Existing law requires, however, that an amount equal to the reasonable costs incurred in carrying out duties related to the administration of the fund, not to exceed $\frac{1}{2}$ of 1% of the earnings of the fund, be deducted from the earnings prior to distribution, and that this amount be credited as reimbursements to the state agencies having incurred costs in carrying out duties related to the administration of the fund.

This bill would specify that these state agencies include the Treasurer, the Controller, and the Department of Finance.

Existing law requires moneys in the Surplus Money Investment Fund to be invested by the State Treasurer as a part of the Pooled Money Investment Account. Existing law requires, as of each December 31 and June 30, that all interest earned and other increment derived from these investments, upon order of the Controller, to be deposited into the Surplus Money Investment Fund. Existing law further requires the

Controller, after deducting an amount equal to the reasonable costs incurred by the Treasurer and the Controller in carrying out provisions related to the Surplus Money Investment Fund, to apportion interest earned and other increment derived from these investments into various funds. Existing law also provides that as of December 31 and June 30 each year all interest earned and other increment derived from investment of money in the Fish and Game Preservation Fund, less related expenses concerning investment of those funds incurred by the Treasurer and the Controller, shall be transferred to the Fish and Game Preservation Fund.

This bill would require the amount of the deductions described above also to include costs incurred by the Department of Finance in carrying out these investment provisions.

The General Obligation Bond Law prescribes the contents of state general obligation bond acts and the process by which these bonds are sold and issued. This law requires that there be transferred from any bond fund created for the proceeds of sales of state general obligation bonds, the amounts necessary to reimburse the Treasurer for specified expenses, including expenses incurred in administering loans from the Pooled Money Investment Account to the bond fund.

This bill instead would provide that there be transferred from any bond fund created for the proceeds of sales of state general obligation bonds, the amounts necessary to reimburse the Treasurer, the Controller, and the Department of Finance for these specified expenses, and would include within these expenses those incurred in administering or reviewing loans from the Pooled Money Investment Account to the bond fund, including review by the Public Works Board staff. The General Obligation Bond Law also specifies the purposes for which proceeds from the sale of bonds issued pursuant to that law may be used, with one of these purposes being payment of the costs of a state agency with responsibility for administering the bond program.

This bill would specify that these costs include those incurred by the Treasurer, the Controller, the Department of Finance, and, for the Public Works Board, for staff, operating expenses and equipment, and consultants' costs.

Existing law appropriates \$250,000 from the General Fund without regard to fiscal years, to be set aside in the State Notes Expense Account, to be used to pay expenses incurred by the Treasurer in providing for the preparation, sale, issuance, advertising, legal services, or any other act which, in the Treasurer's discretion, is



necessary to carry out provisions of law relating to the issuance of warrants by the Controller.

This bill, in addition, would allow these funds to be used by the Controller or the Department of Finance, to pay the expenses for the services described above, or any other act which in the discretion of either the Treasurer or the Department of Finance is necessary to carry out those provisions of law. By expanding the purposes for which these funds may be used, this bill would constitute an appropriation.

(17) Existing law provides for the assessment of specified fees in connection with civil court proceedings to pay for trial court costs.

This bill would institute a state surcharge of 10% on specified fees connected with civil court proceedings, to be levied in addition to any other court-related fee. The bill would specify that this provision would remain in effect only until July 1, 2007.

Existing law imposes a state penalty, in a specified amount, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses other than parking offenses.

This bill would impose a 20% surcharge on the criminal fine used to calculate this state penalty, to be levied in addition to the state penalty. The bill would specify that this provision would remain in effect only until July 1, 2007.

Existing law allows the board of supervisors of a county to determine the order of priority in which disbursements are made from funds provided by installment payments on criminal fines and fees, or collected by the Franchise Tax Board for criminal fines and fees that are delinquent. Existing law also allows the board of supervisors to determine the priority of payment between court orders or parts of orders when defendants have been ordered to pay more than one court order.

This bill would require the board of supervisors to mandate the following order of priority for disbursement of these funds: (a) restitution to the victim; (b) the 10% state surcharge; (c) fines, penalty assessments, and restitution fines, in an amount for each that is proportional to the total amount levied for all of those items; and (d) other reimbursable costs. The bill would also require the board of supervisors to apply these priorities to orders or parts of orders when defendants have been ordered to pay more than one court order.

(18) Existing law requires a redevelopment agency, during the 1993–94 and 1994–95 fiscal years, to allocate to the county auditor an amount of revenue, determined in accordance with specified



calculations made by the Director of Finance and based on a specified report of the Controller, for deposit the Educational Revenue Augmentation Fund in each county for allocation to school entities.

This bill would require a redevelopment agency to make a similar allocation in the 2002–03 and 2003–04 fiscal years, as provided, and would make conforming changes to related provisions. This bill would authorize a redevelopment agency to defer the payment of a portion of this allocation if that agency finds that it is unable, for either of certain reasons, to pay the full allocation, and if the agency adopts a specified resolution. By imposing additional duties on local tax officials in connection with the allocation of property tax revenues, this bill would impose a state-mandated local program.

(19) The California Building Standards Law requires all state agencies, including the Occupational Safety and Health Standards Board, that adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval or adoption.

This bill would exempt from these requirements any regulation adopted by the Occupational Safety and Health Standards Board and make various conforming changes.

(20) Existing law makes the Department of Insurance responsible for regulating the business of insurance and authorizes its commissioner to employ a staff to discharge those duties.

This bill would require that appointment to 3 designated positions within the department be made by the Governor and would provide that the positions are exempt from the state civil service system.

(21) Existing law establishes the Workers' Compensation Administration Revolving Fund as a special account in the State Treasury. Under existing law, money in the fund may be expended for the administration of the workers' compensation program, pursuant to specified provisions of law, except as provided, and may not be used for any other purpose.

This bill instead would provide that money in the Workers' Compensation Administration Revolving Fund may not be used for any but the specified purposes, except as determined by the Legislature.

Existing law requires contractors on public works who employ journeymen or apprentices to contribute to the Apprenticeship Training Contribution Fund from which funds are continuously appropriated to administer certain apprenticeship programs and to make prescribed grants to apprenticeship programs at the end of each fiscal year.

This bill would postpone, until the 2003–04 fiscal year, the making of grants to apprenticeship programs. This bill also would permit the Division of Apprenticeship Standards to utilize moneys in the fund for the general expenses of that division and thereby would make an appropriation from a special fund.

(22) Under existing law, certain persons are designated as peace officers whose authority extends to any place in the state while engaged in the performance of the duties of their respective employment and for the purpose of carrying out the primary function of their employment or as required when an emergency has been declared, or in furtherance of certain mutual aid agreements. Pursuant to these provisions, peace officers may carry firearms as authorized and under the terms and conditions specified by their employers. Existing law includes in this category of peace officers any medical technical assistant series employee designated by the Director of Corrections or designated by the Director of Corrections and employed by the State Department of Mental Health to work in the California Medical Facility.

This bill would delete the requirement that these medical technical assistant series employees work in the California Medical Facility to be peace officers.

The Public Employees' Retirement Law provides increased benefits and higher contribution rates for peace officer/firefighter members than those provided for state miscellaneous members. Member contributions are deposited in the Public Employees' Retirement Fund, a continuously appropriated special fund.

Because this bill would provide that more medical technical assistant service employees are peace officers, thereby including these additional employees within the category of peace officer/firefighter members, it would make an appropriation by increasing the amount of employee contributions to the Public Employees' Retirement Fund.

Existing law authorizes the Department of Corrections to reduce a prisoner's sentenced term of imprisonment through the accumulation of worktime credits by performance in work, training, and education programs established by the Director of Corrections. Existing law specifies that for every 6 months of full-time performance in a credit qualifying program, as designated by the director, a prisoner shall be awarded worktime credit reductions from his or her term of confinement of 6 months, as specified. However, existing law provides that under no circumstances shall any prisoner receive more than 6 months' credit reduction for any 6-month period.



This bill would provide that any inmate assigned to a conservation camp by the Department of Corrections who is eligible to earn one day of worktime credit for every one day of service pursuant to existing law shall instead earn 2 days of worktime credit for every one day of service, as specified.

Under existing law, a person convicted of a crime who is addicted, or in imminent danger of becoming addicted, to narcotics may be committed for treatment by the Department of Corrections to the narcotic detention, treatment, and rehabilitation facility, as specified. Under existing law, if at any time the director concludes that a person at the facility, because of excessive criminality or for other relevant reason, is not a fit subject for confinement or treatment in the facility, the director shall return the person to the court in which the case originated for such further proceedings on the criminal charges as that court may deem warranted. Under existing law the director is not explicitly authorized to limit the number of persons who may be committed to the facility or to refer a person committed to the facility back to court in order to achieve this limit.

This bill would specify that eligibility for treatment pursuant to Proposition 36, an initiative statute that provides for narcotics treatment in lieu of incarceration in specified circumstances, would be a proper reason for the return of a person to court by the director. This bill would specify that the director is authorized to limit the number of persons who may be committed to the facility and that the director may refer a committed person back to the court in which the committed person's case originated, in order to achieve the limit.

(23) Existing law provides that commencing on June 30, 2000, and annually thereafter until December 31, 2004, the Board of Corrections, in consultation with other state agencies, shall submit a report to the Legislature assessing mentally ill offender crime reduction grants, as specified.

This bill, in addition, would require an interim report be submitted on March 1, 2003.

(24) Existing law establishes within the Youth and Adult Correctional Agency a Commission on Correctional Peace Officer Standards and Training, known as CPOST. CPOST is required to develop, approve, and monitor standards for the selection and training of state correctional peace officers apprentices. Those standards are subject to approval by the State Personnel Board. The State Personnel Board is required to ensure that, prior to training, each applicant who



has otherwise qualified in all physical and other testing requirements to be a peace officer in a youth or adult correctional facility, is determined to be free from emotional and mental conditions that might adversely affect the exercise of his or her duties and powers as a peace officer.

This bill would expand the latter provision to additionally require the Department of the Youth Authority to ensure that applicants are determined to be free from those emotional and mental conditions.

(25) Existing law establishes the Renewable Resources Trust Fund, a continuously appropriated fund appropriated to the State Energy Resources Conservation and Development Commission, for the purposes of funding programs designed to foster the development of new in-state renewable electricity generation technology facilities, and to secure for the state the environmental, economic, and reliability benefits that continued operation of those facilities provides.

Existing law establishes the California Consumer Power and Conservation Financing Authority (Power Authority), with certain powers and responsibilities, including the issuance of up to \$5,000,000,000 of revenue bonds, augmenting electrical generating facilities, to ensure a sufficient and reliable supply of electricity, providing financial incentives for investment in cost-effective energy-efficient appliances and energy demand reduction, and providing financing for the retrofit of inefficient electrical powerplants, renewable energy, and conservation. Existing law establishes in the State Treasury the California Consumer Power and Conservation Financing Authority Fund, a continuously appropriated fund, for the support of the Power Authority.

This bill would authorize funds in the Renewable Resources Trust Fund to be expended, upon appropriation by the Legislature, for certain loans to the California Consumer Power and Conservation Financing Authority Fund. The bill would further provide the terms for repayment of those loans, including that the loans be repaid by June 30, 2004. If not repaid, the bill would appropriate monies for a loan from the Energy Resources Program account in the General Fund to repay the balance owed the Renewable Resources Trust Fund.

(26) Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission) to develop, implement, and administer the Public Interest Research, Development, and Demonstration Program, utilizing moneys in the Public Interest Research, Development, and Demonstration Fund.



This bill would authorize the income from surplus money investments in the Public Interest Research, Development, and Demonstration Fund, to be transferred to the General Fund, for appropriation by the Legislature.

(27) Existing law establishes the Renewable Resources Trust Fund, a continuously appropriated fund appropriated to the Energy Commission, for the purposes of funding programs designed to foster the development of new in-state renewable electricity generation technology facilities, and to secure for the state the environmental, economic, and reliability benefits that continued operation of those facilities provides.

This bill would authorize the income from surplus money investments in the Renewable Resources Trust Fund to be transferred to the General Fund, for appropriation by the Legislature.

(28) Existing law, the Public Utilities Act, establishes the Office of Ratepayer Advocates (division) within the Public Utilities Commission to represent the interests of public utility customers and subscribers within the jurisdiction of the commission by obtaining the lowest possible rate for service consistent with reliable and safe service levels. The act requires that the annual budget for the division be separately identified in the commission annual budget request.

This bill instead would require the commission, on or before January 10 of each year, to provide the chairs of the fiscal committee of each house of the Legislature and to the Joint Legislative Budget Committee the number of personnel years assigned to the division, the total dollars expended by the division in the prior year, the estimated dollars expended in the current year, the total dollars proposed for appropriation in the budget year, and the workload standards and measures for the division.

Under existing law, the California Consumer Power and Conservation Financing Authority is charged with various duties relating to the financing and constructing of generating facilities and other projects to supplement private and public sector power supplies, financing programs to encourage consumers and businesses to invest energy efficiency programs to reduce the demand for energy in California, and financing retrofits of electric powerplants to improve the efficiency and environmental performances of those powerplants. Under existing law, the chief executive officer of the authority is authorized to contract for the services of other officers or employees, subject to the approval of the board. Under existing law, those contracts



are not subject to otherwise applicable provisions of the Government Code and the Public Contract Code.

This bill would delete the provision exempting those contracts from the provisions of the Government Code and the Public Contract Code.

(29) The Cigarette and Tobacco Products Tax Law requires that an appropriate stamp be affixed to, or that an appropriate meter impression be made upon, each package of cigarettes prior to distribution.

This bill would define “stamps and meter impressions” for purposes of this requirement. This bill would also require the State Board of Equalization to prescribe and approve the types, and the method of applying, stamps and meter impressions.

(30) The Energy Surcharge Law imposes a surcharge on the consumption of electrical energy purchased from an electric utility at a rate fixed by the State Board of Equalization, as specified.

This bill would, with respect to electrical energy purchased from an electric utility on or after January 1, 2003, require that the rate not exceed \$0.0003 per kilowatt-hour, or a lower rate fixed by the Energy Commission at a public meeting held each November for the following calendar year.

(31) Under existing law, certain fines and fees collected from motor carriers of property, as defined, are deposited in the Motor Carriers Permit Fund.

This bill would abolish the Motor Carriers Permit Fund effective July 1, 2003, and cause those fines and fees to be deposited in the Motor Vehicle Account of the State Transportation Fund instead. This bill would require any unencumbered balance remaining in the Motor Carriers Permit Fund on June 30, 2003, to be transferred and deposited into the Motor Vehicle Account of the State Transportation Fund by the end of that day. This bill would require that any other amounts collected or received as revenues or transfers nominally directed to the Motor Carriers Permit Fund after June 30, 2003, shall also be transferred and deposited into the Motor Vehicle Account of the State Transportation Fund.

Existing law requires the Department of Motor Vehicles to print and distribute copies of the California Vehicle Code, and other specified laws, to specified government entities and to public secondary schools who request a copy, at no cost. Existing law requires the department to provide these copies to all other persons at a cost not to exceed \$3.



This bill would require the department to publish copies of the Vehicle Code and other specified laws once every 2 years, and to distribute them at a charge sufficient to pay the cost of printing and distribution. This bill would also provide for a specified number of copies for public secondary schools.

Existing law establishes fees for original and renewal registration of motor vehicles, and weight fees for motor vehicles. Existing law also establishes various penalty fees for late registration of motor vehicles.

This bill would revise the provisions relating to late fees, to be applied on and after January 1, 2003, and would appropriate \$3,693,000 from the funds collected from the registration, but not specified penalty fees to the Department of Motor Vehicles for purposes of implementing this act.

Existing law authorizes the Department of Motor Vehicles to permit inspection of, or sell, or both, information from its records concerning the registration of any vehicle or information from the files of drivers' licenses, with specified limitations, at a charge sufficient to pay the actual cost to the department for providing the inspection or sale of the information, with the charge to be determined by the director.

This bill would require the director to set the charge for this information at an amount no less than the actual cost.

Existing law authorizes the department to allow access to the department's data base, with specified limitations, by special permit for the purpose of obtaining vehicle registration information for commercial use. Existing law provides that the director must charge fees for the direct-access service permits, and must charge fees sufficient to pay at least the entire actual cost to the department for any information copied from the files.

This bill would expand the authorization of the director to permit access to the department's data base for any information rather than merely vehicle registration information, as provided. This bill would also provide that the director must charge fees sufficient to pay at least the actual cost to the department for any information copied from the files, as specified.

Existing law requires the Department of Motor Vehicles to notify a person by certified mail, return receipt requested, when the department suspends or revokes the person's privilege to operate a motor vehicle. Existing law also provides a conclusive presumption that a person has knowledge of the suspension or revocation if notice is sent pursuant to these provisions.



This bill would instead, require the department to send the notice by first class mail, and would provide that the presumption of notice is rebuttable, and that the presumption affects the burden of proof. The bill would make other technical and conforming changes to these provisions.

Existing law provides for the payment of a \$12 fee in conjunction with an application for an original driver's license, as specified.

This bill would require the payment of an additional \$5 for any person who fails to successfully complete the driving skill test on the first attempt, for each additional driving skill test administered under that application.

Existing law provides for the payment of a \$15 fee in conjunction with an application for a renewal of a driver's license, as specified.

This bill would in addition, require the payment of an additional \$5 for any person who fails to successfully complete the driving skill test on the first attempt, for each additional driving skill test administered under that application.

Existing law requires the payment of a \$100 dollar fee for administrative costs before a driver's license may be issued, reissued, or returned to a person, where the person's privilege to operate a motor vehicle was suspended or revoked for specified reasons.

This bill would increase that fee to \$125.

Existing law provides that persons subject to a hearing for suspension or revocation of their driver's license for specified reasons may request a departmental review of the decision taken pursuant to the hearing.

This bill would impose an administrative fee of \$120 to pay for the costs of the departmental review.

(32) Existing law authorizes the California Transportation Commission to allocate federal and state transportation funds to the Department of Transportation for an enforceable commitment to the California Economic Development Financing Authority for implementing the purposes of the Transportation Finance Bank, relative to funding guarantees for loans and other instruments of credit for transportation projects that have a dedicated revenue source and are eligible under a federal demonstration program.

This bill would revise these provisions to instead require the department to act as a lender in administering the Transportation Finance Bank. The bill would require the department to develop guidelines and loan documents for the program and to present them to



the commission for adoption. The bill would revise the program to delete the provisions for loan guarantees. The bill would create the Local Transportation Loan Account in the State Highway Account in the State Transportation Fund for the management of funds for loans to local entities under these provisions. The bill would require specified funds and interest and penalties to be deposited in the new account. The money in the new account would be continuously appropriated to the department, thereby making an appropriation. The bill would require the department to report to the Legislature annually on the program.

(33) Existing law creates the Seismic Safety Retrofit Account in the State Transportation Fund, and requires each annual proposed transportation budget to include an amount recommended to be transferred from the State Highway Account to the Seismic Safety Retrofit Account based upon the Department of Transportation's estimate of state funds necessary to fund the seismic retrofit program during the budget year. Under the program, publicly owned state and local bridges throughout the state, including pedestrian and rail transit bridges, are evaluated for seismic structural sufficiency and projects funded from the Seismic Safety Retrofit Account are undertaken to remedy any deficiency.

This bill would repeal these provisions. The bill would transfer any funds remaining in the Seismic Safety Retrofit Account to the State Highway Account effective June 30, 2002, with any outstanding encumbrances to be paid from the State Highway Account. The bill would authorize the department to administer local seismic safety bridge retrofit projects consistent with requirements applicable to other local bridge projects and to allocate State Highway Account funds to those projects to the extent funding is provided through the annual Budget Act.

Existing law creates the Toll Bridge Seismic Retrofit Account in the State Transportation Fund for the purpose of funding seismic retrofit or replacement of state-owned toll bridges, and the money in the account is continuously appropriated to the Department of Transportation for this purpose. Existing law generally requires state agencies seeking to invest funds or to sell or exchange securities to obtain prior approval from the Department of Finance, with certain exceptions.

This bill would authorize the Department of Transportation, in consultation with the Department of Finance and the Office of the State Treasurer, to invest bond or commercial paper proceeds deposited into the account in obligations permitted by the Treasurer, and would require



those investments to be included as cash balance for purposes of reporting the condition of the account. The bill would also require notification by the Department of Finance of certain legislative committees prior to the initial issuance of bonds or commercial paper pursuant to these provisions and would enact other related financial provisions relative to the use of interest income and the reserve funds created to support the financing. The bill would prohibit the use of this interest income or of reserve funds to pay project costs in excess of a specified amount, and would prohibit the existence of reserve funds, other than debt service reserve funds, subsequent to the completion of seismic retrofit projects. The bill would authorize the Department of Finance to establish the accounting and a reporting system used to determine the expenditures, cash needs and the balance of the account.

(34) The existing Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act provides for grants to cities, counties, and districts to supplement, but not supplant, local expenditures for park and recreation areas or facilities. The act provides, with respect to grant moneys received for high priority park and recreation projects that satisfy the most urgent park and recreation needs, that local matching money is not required with respect to an applicant that has urgent unmet needs for recreational lands and lacks the financial resources to acquire recreational lands, as determined pursuant to a formula set forth in regulations adopted by the Director of Parks and Recreation after a public hearing.

This bill would provide that local matching money shall not be required with respect to an applicant that has urgent unmet needs for recreational lands or facilities, and lacks the financial resources to acquire or develop recreational lands or facilities.

(35) Existing law requires 50% of the amount of funds received by the state pursuant to Section 8 (g) of the federal Outer Continental Shelf Lands Act over the amount received in the 1996 calendar year be available, on an annual basis, for appropriation to the Secretary of the Resources Agency for grants to coastal counties and cities pursuant to the Coastal Resources and Energy Assistance Act (CREA).

This bill would prohibit for the 2002–03 fiscal year the allocation of those federal funds received by the state to or by the secretary for grants to coastal counties and cities pursuant to the CREA.

The bill would repeal this provision on January 1, 2004.

(36) The Porter-Cologne Water Quality Control Act imposes on a person for whom waste discharge requirements have been prescribed,

an annual fee established by the State Water Resources Control Board, not to exceed \$10,000, with the fees calculated based on total flow, volume, number of animals, and area involved. Existing law requires fees that are collected to be deposited in the Waste Discharge Permit Fund, which is expended, upon appropriation, for purposes of carrying out the act.

This bill would increase the fee limit to not more than \$20,000, would require the state board, in calculating the amount of fees, to also base the fees on the threat to water quality, and would require the maximum fee amount to be adjusted annually to reflect changes in the cost of living as measured by the Consumer Price Index prepared by the Department of Industrial Relations or a successor agency.

(37) Existing law authorizes the Legislature to provide for minimum wage and for the general welfare of employees, and for those purposes, to confer on a commission legislative, executive, and judicial powers. Under existing law, the Department of Industrial Relations is responsible for investigation and enforcement of the labor laws, including, but not limited to, the laws governing safe and healthful working conditions on the job, wages, hours of work, and conditions of employment.

This bill would require the Department of Industrial Relations to procure a case management system that has the capability to ultimately provide the public with free, web-based access to a searchable data base containing information regarding the status of all complaints, citations, and administrative proceedings of the department, as specified.

(38) Existing law establishes the Department of the Youth Authority for the commitment of certain youthful offenders.

This bill would require the Department of the Youth Authority to submit to the Department of Finance and the fiscal committees of the Legislature on or before November 1, 2002, a written plan to close at least 3 other facilities by June 30, 2007. The bill would also require the Department of the Youth Authority to close one of those facilities pursuant to the plan by June 30, 2004, as specified.

(39) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.



This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

(40) The bill would declare that it is to take effect immediately as an urgency statute.

~~The Public Employees' Retirement Law establishes a system of retirement and health benefits for members of that system, their families, and beneficiaries.~~

~~This bill would express the intent of the Legislature to make the necessary changes to implement the Budget Act of 2002 relative to the Public Employees' Retirement System.~~

~~The bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: ²/₃. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. — It is the intent of the Legislature in enacting this~~
 2 *SECTION 1. Section 17591 of the Business and Professions*
 3 *Code is amended to read:*
 4 17591. (a) The Attorney General shall not later than January
 5 1, 2003, maintain a “do not call” list, updated no less frequently
 6 than quarterly, which shall set forth the California telephone
 7 numbers and ZIP Codes, but not the names or addresses, of
 8 subscribers, arranged by area code and numerical sequence, who
 9 do not wish to receive unsolicited and unwanted telephone calls
 10 from telephone solicitors as defined in Section 17592. The “do not
 11 call” list shall indicate any exclusions designated by the subscriber
 12 as provided in subdivision (b).
 13 (b) Subscribers may place their telephone numbers and ZIP
 14 Codes on the “do not call” list in the manner prescribed by the
 15 Attorney General. The subscriber’s placement on the “do not call”
 16 list shall expire three years after the date on which the subscriber’s
 17 telephone number and ZIP Code first became available on the list
 18 to telephone solicitors. The Attorney General shall triennially
 19 charge these subscribers a fee not to exceed ~~one dollar (\$1.00)~~ *five*
 20 *dollars (\$5)*. A subscriber may exclude from the coverage of the

1 “do not call” list telephone calls from entities identified by the
2 subscriber. The subscriber shall designate any exclusions in the
3 manner prescribed by the Attorney General.

4 (c) Telephone solicitors, as defined in Section 17592, shall
5 obtain copies of the “do not call” list by paying a fee to the
6 Attorney General in an amount not to exceed the costs incurred by
7 the Attorney General in the preparation, maintenance, production,
8 and distribution of that list. The Attorney General shall establish
9 a sliding scale fee schedule, charging a telephone solicitor with
10 more than 1,000 employees or independent contractors the
11 maximum fee and charging a telephone solicitor with fewer than
12 five full-time employees no fee. The Attorney General shall
13 provide a telephone solicitor the option of paying this fee on a
14 quarterly or annual basis. The Attorney General shall offer a
15 statewide list and shall also offer lists of areas within the state. The
16 determination of the number and definition of areas shall be within
17 the discretion of the Attorney General.

18 (d) The Attorney General shall utilize the best available,
19 cost-effective technology to ensure that subscribers may easily
20 place their telephone numbers on the “do not call” list. This
21 technology includes, but is not limited to, methods by which a
22 subscriber may effect placement on the list by using a
23 state-designated Internet Web site or a designated, statewide
24 toll-free telephone number. When the subscriber utilizes the
25 toll-free telephone number method, the subscriber shall call from
26 the telephone that is also the number to be included on the list. The
27 Attorney General shall also utilize the best available,
28 cost-effective technology to ensure that telephone solicitors may
29 easily obtain and manipulate the “do not call” list. This
30 technology may include, but is not limited to, methods that are
31 computer compatible and that allow the downloading of the list
32 and the sorting of the list by ZIP Code and that make the list
33 available on CD-ROM. The Attorney General may contract with
34 a private vendor to establish, maintain, and administer the “do not
35 call” list and a contract entered into in that regard shall include
36 appropriate provisions to protect the confidentiality of subscriber
37 information. The Attorney General may promulgate regulations to
38 implement the provisions of this article.

39 (e) It is the intent of the Legislature that the fees paid to the
40 Attorney General by telephone solicitors and subscribers be

1 utilized by the Attorney General in carrying out this article. The
2 Attorney General shall annually reduce the amount of the fee paid
3 by subscribers and telephone solicitors set forth in this section
4 based on revenue history and costs so that the fees do not exceed
5 the actual estimated costs in carrying out this article. The fees
6 obtained by the Attorney General shall be deposited in the Special
7 Telephone Solicitors Fund, which is hereby created. All moneys
8 in the fund shall be subject to annual appropriation in the Budget
9 Act.

10 (f) A person or entity that obtains a “do not call” list shall not
11 use the list for any purpose other than to comply with this article.
12 These unlawful purposes include, but are not limited to, causing
13 a subscriber to participate in and be included on, the “do not call”
14 list without the subscriber’s knowledge or consent, selling or
15 leasing the “do not call” list to a person other than a telephone
16 solicitor, selling or leasing by a telephone solicitor of the “do not
17 call” list, and a telephone solicitor, either directly or indirectly,
18 persuading a subscriber with whom it has an established business
19 relationship to place his or her telephone number on the “do not
20 call” list, if the solicitation has the effect of preventing competitors
21 from contacting that solicitor’s customers.

22 *SEC. 2. Section 1540 of the Code of Civil Procedure is*
23 *amended to read:*

24 1540. (a) Any person, excluding another state, who claims an
25 interest in property paid or delivered to the Controller under this
26 chapter may file a claim to the property or to the net proceeds from
27 its sale. The claim shall be on a form prescribed by the Controller
28 and shall be verified by the claimant.

29 (b) The Controller shall consider each claim within 90 days
30 after it is filed and may hold a hearing and receive evidence. The
31 Controller shall give written notice to the claimant if he or she
32 denies the claim in whole or in part. The notice may be given by
33 mailing it to the address, if any, stated in the claim as the address
34 to which notices are to be sent. If no address is stated in the claim,
35 the notice may be mailed to the address, if any, of the claimant as
36 stated in the claim. No notice of denial need be given if the claim
37 fails to state either an address to which notices are to be sent or an
38 address of the claimant.

39 (c) The Controller shall add interest at the rate of 5 percent
40 ~~compounded annually or the current interest rate received upon~~

~~deposits held in the Pooled Money Investment Account~~ the bond equivalent rate of 13-week United States Treasury bills, whichever is lower, to the amount of any claim paid the owner under this section for the period the property was on deposit in the Unclaimed Property Fund. No interest shall be payable for any period prior to January 1, 1977. Any interest required to be paid by the state pursuant to this section shall be computed as simple interest, not compound interest. For purposes of this section, the bond equivalent rate of 13-week United States Treasury bills shall be defined in accordance with the following criteria:

(1) The bond equivalent rate of 13-week United States Treasury bills established at the first auction held during the month of January shall apply for the following July 1 to December 31, inclusive.

(2) The bond equivalent rate of 13-week United States Treasury bills established at the first auction held during the month of July shall apply for the following January 1 to June 30, inclusive.

(d) Any holder who pays to the owner, property that has escheated to the state and that, if claimed from the Controller, would be subject to subdivision (c) may add interest as provided in subdivision (c). This added interest shall be repaid to the holder by the Controller in the same manner as the principal.

(e) For the purposes of this section, “owner” means the person who had legal right to the property prior to its escheat, his or her heirs, or his or her legal representative.

(f) Following a public hearing, the Controller shall adopt guidelines and forms that shall provide specific instructions to assist owners in filing claims pursuant to this article.

SEC. 3. Section 37220.6 of the Education Code is amended to read:

37220.6. (a) There is hereby created the Cesar Chavez Day of Service and Learning program to promote service to the communities of California in honor of the life and work of Cesar Chavez. The program shall be administered by the ~~California Commission on Improving Life Through Service~~ Governor’s Office on Service and Volunteerism, in collaboration with the California Conservation Corps.

(b) The ~~California Commission on Improving Life Through Service~~ Governor’s Office on Service and Volunteerism may make grants based on proposals selected through a competitive process

1 from local and state operated Americorps, National Senior Service
2 Corps, Learn and Serve, or Conservation Corps programs that
3 submit proposals to engage pupils through their schools and school
4 districts in community service that qualifies as instructional time
5 on Cesar Chavez Day, pursuant to Section 37220.5, and that
6 honors the life and work of Cesar Chavez. The programs shall be
7 created and organized in consultation with community groups.
8 The Americorps, National Senior Service Corps, Learn and Serve,
9 or Conservation Corps programs may implement or administer the
10 programs in collaboration with community groups and nonprofit
11 organizations. The proposals shall demonstrate all of the
12 following:

13 (1) The ways and extent to which the program will be a
14 collaborative effort between schools and the Americorps, National
15 Senior Service Corps, Learn and Serve, or Conservation Corps
16 program.

17 (2) The ways that the service will be connected to instruction
18 on the life and work of Cesar Chavez provided on Cesar Chavez
19 Day.

20 (3) The way in which the service provided will make a
21 meaningful contribution to the community.

22 (c) Grants made pursuant to subdivision (b) shall be in the
23 amount of one dollar (\$1) for each participating pupil, or two
24 hundred fifty dollars (\$250) for each school, whichever is greater.
25 ~~The California Commission on Improving Life Through Service~~
26 *Governor's Office on Service and Volunteerism* may, at its
27 discretion, adjust the grant amount to account for school district
28 size, the size of the project, and the demand on existing funding.
29 Under no circumstances may the amount granted exceed the
30 amount of funding appropriated to carry out this section.

31 (d) In order for the community service performed under this
32 program to be counted as instructional time, the service shall be
33 performed under the supervision of a teacher, as defined in
34 subdivision (a) of Section 46300.

35 (e) The Superintendent of Public Instruction shall develop or
36 revise, as needed, a model curriculum on the life and work of Cesar
37 Chavez and submit the model curriculum to the State Board of
38 Education for adoption pursuant to subdivision (b) of Section
39 37220.5. Upon adoption, the Superintendent of Public Instruction
40 shall distribute the model curriculum to each school.

(f) It is the intent of the Legislature that nothing in this section, or in the act that adds this section, shall be construed to impose a mandate on school districts.

(g) For the purposes of this section, “school district” includes school districts, charter schools, and county offices of education.

SEC. 4. Section 37220.8 is added to the Education Code, to read:

37220.8. (a) On and after July 1, 2002, the Governor’s Office on Service and Volunteerism may make grants pursuant to subdivision (b) of Section 37220.6 based on proposals selected through a competitive process from community-based organizations with strong capacity to design and implement programs that provide high quality service and learning opportunities to pupils in kindergarten and in grades 1 to 12, inclusive. The proposals shall provide all of the following:

(1) Evidence of tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code for all nongovernmental proposals.

(2) Evidence of strong financial management systems as determined by the Governor’s Office on Service and Volunteerism.

(3) Experience designing and implementing youth service and learning programs.

(b) Eligible organizations need not have experience administering government funds, however those organizations that have received government funds must have a history of effectively administering those funds.

(c) Funding for these community-based organizations is limited to one million dollars (\$1,000,000) per year, with single grants not exceed one hundred thousand dollars (\$100,000).

(d) Community-based organizations that do not apply directly to the Governor’s Office on Service and Volunteerism for funding pursuant to subdivision (b) of Section 37220.6 remain eligible to receive funds through partnerships with other eligible programs including the programs listed in that subdivision.

(e) This section shall become inoperative on July 1, 2004, and, as of January 1, 2005, is repealed, unless a later enacted statute, that becomes inoperative on or before January 1, 2005, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 5. Section 910.4 of the Government Code is amended to read:

1 910.4. (a) The board ~~may~~ shall provide forms specifying the
2 information to be contained in claims against the public entity. ~~If~~
3 ~~the board provides forms pursuant to this section, the~~ The person
4 presenting a claim ~~need not~~ shall use ~~such the~~ form if he presents
5 ~~his in order that his or her claim is deemed~~ in conformity with
6 Sections 910 and 910.2. A claim ~~presented on a form provided~~
7 ~~pursuant to this section shall be deemed to be in conformity with~~
8 ~~Sections 910 and 910.2 if the claim complies substantially with the~~
9 ~~requirements of the form or with the requirements of Sections 910~~
10 ~~and 910.2 may be returned to the person if it was not presented~~
11 ~~using the form. Any claim returned to a person may be resubmitted~~
12 ~~using the appropriate form.~~

13 (b) The amendments made to this section by the act adding this
14 subdivision shall become operative six months after the date that
15 act takes effect.

16 SEC. 6. Section 915.2 of the Government Code is amended to
17 read:

18 915.2. If a claim, amendment to a claim, or application to a
19 public entity for leave to present a late claim is presented or sent
20 by mail under this chapter, or if any notice under this chapter is
21 given by mail, the claim, amendment, application, or notice shall
22 be mailed in the manner prescribed in this section. The claim,
23 amendment, application or notice ~~must~~ shall be deposited in the
24 United States post office, ~~or~~ a mailbox, sub-post office, substation,
25 ~~or~~ mail chute, or other ~~like~~ similar facility regularly maintained by
26 the government of the United States, in a sealed envelope, properly
27 addressed, with postage paid. The claim, amendment, application,
28 or notice shall be deemed to have been presented and received at
29 the time of the deposit. *Any period of notice and any duty to*
30 *respond after receipt of service of a claim, amendment,*
31 *application, or notice is extended five days upon service by mail,*
32 *if the place of address is within the State of California, 10 days if*
33 *the place of address is within the United States, and 20 days if the*
34 *place of address is outside the United States.* Proof of mailing may
35 be made in the manner prescribed by Section 1013a of the Code
36 of Civil Procedure.

37 SEC. 7. Section 935.7 of the Government Code is amended to
38 read:

39 935.7. (a) Notwithstanding Section 935.6, the Department of
40 Transportation may adjust and pay any claim arising out of the

1 activities of the department without the prior approval of the ~~State~~
2 ~~Board of Control when~~ *California Victim Compensation and*
3 *Government Claims Board* if both of the following conditions
4 exist:

5 (1) The amount paid is ~~one~~ five thousand dollars ~~(\$1,000)~~
6 ~~(\$5,000)~~ or less.

7 (2) The Director of Finance or the Director of Transportation
8 certifies that a sufficient appropriation for the payment of the claim
9 exists.

10 (b) If the department elects not to pay any claim, the claim shall
11 be processed by the ~~State Board of Control~~ *California Victim*
12 *Compensation and Government Claims Board* in the same manner
13 as any other claim filed against the state.

14 (c) Any person who submits any claim arising out of any
15 activity of the Department of Transportation shall comply with
16 every other applicable provision of this part relating to claims
17 against state agencies.

18 SEC. 8. *Section 7299.4 of the Government Code is amended*
19 *to read:*

20 7299.4. ~~Each~~ (a) *Notwithstanding any other provision in this*
21 *chapter, each state agency shall conduct an assessment and*
22 *develop and update an implementation plan that complies with the*
23 *requirements of this chapter.*

24 (b) *Each agency shall conduct a survey of each of its local*
25 *offices every two years to determine all of the following:*

26 ~~(a)~~

27 (1) The number of public contact positions in each local office.

28 ~~(b)~~

29 (2) The number of bilingual employees in public contact
30 positions *in each local office*, and the languages they speak, other
31 than English.

32 ~~(c)~~

33 (3) The number and percentage of non-English-speaking
34 people served by each local office, broken down by native
35 language.

36 ~~(d)~~

37 (4) The number of anticipated vacancies in public contact
38 positions.

39 ~~(e)~~

(5) Whether the use of *other available options, including* contracted telephone based interpretation services, in addition to bilingual persons in public contact positions, is serving the language needs of the people served by the agency.

~~(f)~~

(6) *A list of all written materials that are required to be translated or otherwise made accessible to non- or limited-English-speaking individuals by Sections 7295.2 and 7295.4.*

(7) *A list of materials identified in paragraph (5) that have been translated and languages into which they have been translated.*

(8) *The number of additional bilingual public contact staff, if any, needed at each local office to comply with this chapter.*

(9) Any other relevant information requested by the State Personnel Board.

~~Each~~

(c) *Each* agency shall calculate the percentage of non-English-speaking people served by each local office by rounding the percentage arrived at to the nearest whole percentage point.

~~The~~

The survey results shall be reported on forms provided by the State Personnel Board, and delivered to the board not later than March 31 of every even-numbered year beginning with 1992.

(d) *Beginning in 2003 and in every even-numbered year thereafter, each state agency shall develop an implementation plan that, at a minimum, addresses all of the following:*

(1) *The name, position, and contact information of the employee designated by the agency to be responsible for overseeing implementation of the plan.*

(2) *A description of the agency's procedures for identifying written materials that need to be translated.*

(3) *A description of the agency's procedures for identifying language needs at local offices and assigning qualified bilingual staff.*

(4) *A description of how the agency recruits qualified bilingual staff.*

(5) *A description of any training the agency provides to its staff on the provision of services to non- or limited-English-speaking individuals.*

(6) A detailed description of how the agency plans to address any deficiencies in meeting the requirements of this chapter, including, but not limited to, the failure to translate written materials or employ sufficient numbers of qualified bilingual employees in public contact positions at local offices, the proposed actions to be taken to address the deficiencies, and the proposed dates by when the deficiencies can be remedied.

(7) A description of the agency's procedures for accepting and resolving complaints of an alleged violation of this chapter.

(8) A description of how the agency complies with any federal or other state laws that require the provision of linguistically accessible services to the public.

(9) Any other relevant information requested by the State Personnel Board.

(e) In developing its implementation plan in 2003, each state agency may rely upon data gathered from its 2002 survey.

(f) Each state agency shall submit its implementation plan to the State Personnel Board no later than October 1 of each applicable year. The board shall review each plan, and, if it determines that the plan fails to address the identified deficiencies, the board shall order the agency to supplement or make changes to its plan. A state agency that has been determined to be deficient shall report to the State Personnel Board every six months on its progress in addressing the identified deficiencies.

(g) If the board determines that a state agency has not made reasonable progress toward complying with this chapter, the board may issue orders that it deems appropriate to effectuate the purposes of this chapter.

SEC. 9. Section 7299.6 of the Government Code is amended to read:

7299.6. The State Personnel Board shall review the results of the ~~survey~~ surveys and implementation plans required to be made by Section 7299.4 ~~shall be compiled by the State Personnel Board and provided in~~, compile this data, and provide a report to the Legislature every two years. The report shall identify significant problems or deficiencies and propose solutions where warranted.

SEC. 10. Section 10205 of the Government Code is amended to read:

10205. (a) The Legislative Counsel may employ and fix the compensation, in accordance with law, of such professional

1 assistants and clerical and other employees as he *or she* deems
2 necessary for the effective conduct of the work under his *or her*
3 charge.

4 (b) The Legislative Counsel and the employees of the
5 Legislative Counsel Bureau shall, to the extent that funds
6 appropriated for the support of the Legislative Counsel Bureau
7 include funds for that purpose, receive any or all of the employee
8 benefits provided to employees of either house of the Legislature.
9 The benefits ~~which~~ *that* are authorized by this subdivision shall be
10 in addition to any other employee benefits authorized by any other
11 provision of law.

12 (c) *Notwithstanding subdivision (c) of Section 19853, the*
13 *Legislative Counsel and the employees of the Legislative Counsel*
14 *Bureau shall observe any holiday designated pursuant to*
15 *subdivision (c) of Section 19853, that is also observed by the*
16 *Legislature, on the same day that the holiday is observed by the*
17 *Legislature.*

18 SEC. 11. *Section 11011.50 is added to the Government Code,*
19 *to read:*

20 11011.50. (a) *Notwithstanding Section 11011 or any other*
21 *provision of law, the Director of General Services may sell, lease,*
22 *or exchange the real property consisting of approximately 17 acres*
23 *in the City of Santa Clara, known as the Bay Area Research*
24 *Extension Center, upon terms and conditions and subject to*
25 *reservations and exceptions that the director determines are in the*
26 *best interests of the state.*

27 (b) *From the proceeds of the sale of property pursuant to this*
28 *section, the Department of General Services shall be reimbursed*
29 *for its costs related to the sale, including, but not limited to, any*
30 *survey costs, title transfer fees, and department staff time.*

31 SEC. 12. *Section 12439 of the Government Code is amended*
32 *to read:*

33 12439. (a) Beginning July 1, 2001, and on each July 1
34 thereafter, the Controller shall abolish any state position that was
35 vacant continuously for six consecutive monthly pay periods
36 during the period between July 1 and June 30 of the preceding
37 fiscal year. Those positions that were continuously vacant for six
38 consecutive monthly pay periods during a fiscal year because of
39 a hiring freeze in effect during part or all of the period shall also
40 be abolished unless the need for continuing these positions is

1 provided in written notice to, and approval is granted by, the
2 Director of Finance.

3 (b) If late enactment of the annual Budget Act contributes to the
4 abolishment of any proposed new position or positions, or if
5 significant recruitment problems for hard-to-fill classifications, as
6 determined by the Department of Finance, contribute to the
7 abolishment of positions, a state agency may submit a written
8 request for reestablishment of the positions to the Director of
9 Finance. The positions may be reestablished upon approval
10 granted by the Director of Finance.

11 (c) The only exceptions to this abolishment are those positions
12 exempt from civil service or those instructional and
13 instruction-related positions authorized for the California State
14 University. No money appropriated by the subsequent Budget Act
15 shall be used to pay the salary of any otherwise authorized state
16 position that is abolished pursuant to this section.

17 (d) The Controller, no later than the following August 1 of each
18 succeeding fiscal year, shall notify the Department of Finance in
19 writing of any authorized state position that was vacant
20 continuously during that period.

21 (e) The Controller, no later than the following December 1 of
22 each succeeding fiscal year, shall furnish the Joint Legislative
23 Budget Committee a report on all positions as of July 1 that were
24 unfilled continuously for six consecutive monthly pay periods
25 during the period between July 1 and June 30 of the preceding
26 fiscal year.

27 (f) *This section shall remain in effect only until July 1, 2002,*
28 *and as of that date is repealed.*

29 *SEC. 13. Section 12439 is added to the Government Code, to*
30 *read:*

31 *12439. (a) Beginning July 1, 2002, any state position that is*
32 *vacant for six consecutive monthly pay periods shall be abolished*
33 *by the Controller on the following July 1. The six consecutive*
34 *monthly pay periods may occur entirely within one fiscal year or*
35 *between two consecutive fiscal years.*

36 *(b) The Director of Finance may authorize the reestablishment*
37 *of any positions abolished pursuant to this section if one or more*
38 *of the following conditions existed during part or all of the six*
39 *consecutive monthly pay periods:*

1 (1) *There was a hiring freeze in effect during part or all of the*
2 *six consecutive pay periods.*

3 (2) *The department has diligently attempted to fill the position,*
4 *but was unable to complete all the steps necessary to fill the*
5 *position within six months.*

6 (3) *The position has been designated as a management position*
7 *for purposes of collective bargaining and has been held vacant*
8 *pending the appointment of the director, or other chief executive*
9 *officer, of the department as part of the transition from one*
10 *Governor to the succeeding Governor.*

11 (4) *The classification of the position is determined to be*
12 *hard-to-fill.*

13 (5) *Late enactment of the budget causes the department to*
14 *delay filling the position.*

15 (c) *The Controller shall reestablish any position for which the*
16 *director of the department in which that position existed prior to*
17 *abolishment certifies by August 15 that one or more of the*
18 *following conditions existed during part or all of the six*
19 *consecutive pay periods.*

20 (1) *The position is necessary for directly providing 24-hour*
21 *care in an institution operated by the state.*

22 (2) *The position is necessary for the state to satisfy any*
23 *licensing requirements adopted by a local, state, or federal*
24 *licensing or other regulatory agency.*

25 (3) *The position is directly involved in services for public*
26 *health, public safety, or homeland security.*

27 (4) *The position is being held vacant because the previous*
28 *incumbent is eligible to exercise a mandatory right of return from*
29 *a leave of absence as may be required by any provision of law*
30 *including, but not limited to, leaves for industrial disability,*
31 *nonindustrial disability, military service, pregnancy, childbirth, or*
32 *care of a newborn infant.*

33 (5) *The position is being held vacant because the department*
34 *has granted the previous incumbent a permissive leave of absence*
35 *as may be authorized by any provision of law including, but not*
36 *limited to, leaves for adoption of a child, education, civilian*
37 *military work, or to assume a temporary assignment in another*
38 *agency.*

1 (6) Elimination of the position will directly reduce state
2 revenues or other income by more than would be saved by
3 elimination of the position.

4 (d) Each department shall maintain for future independent
5 audit all records on which the department relied in determining
6 that any position or positions satisfied one or more of the criteria
7 specified in paragraphs (1) to (6), inclusive, of subdivision (c).

8 (e) The only other exceptions to the abolishment required by
9 subdivision (a) are those positions exempt from civil service or
10 those instructional and instruction-related positions authorized
11 for the California State University. No money appropriated by the
12 subsequent Budget Act shall be used to pay the salary of any
13 otherwise authorized state position that is abolished pursuant to
14 this section.

15 (f) The Controller, no later than September 10 of each fiscal
16 year, shall furnish the Department of Finance in writing a
17 preliminary report of any authorized state positions that were
18 abolished effective on the preceding July 1 pursuant to this section.

19 (g) The Controller, no later than October 15 of each fiscal year,
20 shall furnish the Joint Legislative Budget Committee and the
21 Department of Finance a final report on all positions that were
22 abolished effective on the preceding July 1.

23 (h) Departments shall not execute any personnel transactions
24 for the purpose of circumventing the provisions of this section.

25 (i) Each department shall include a section discussing its
26 compliance with this section when it prepares its report pursuant
27 to Section 13405.

28 (j) As used in this section, department refers to any department,
29 agency, board, commission, or other organizational unit of state
30 government that is empowered to appoint persons to civil service
31 positions.

32 (k) This section shall become operative July 1, 2002.

33 SEC. 14. Section 13103.5 of the Government Code is
34 amended to read:

35 13103.5. (a) The department ~~shall prepare an annual audit~~
36 ~~report examining any expenditures made pursuant to the~~
37 ~~allocations authorized under~~ may perform audits, as it deems
38 necessary, of the allocations or expenditures made in accordance
39 with Article XIX B of the California Constitution.

~~(b) The report shall be made available to the public and Any audit performed pursuant to this section shall be submitted reported to both houses of the Legislature.~~

~~(c) This section shall become operative on the date that Assembly Constitutional Amendment No. 4 (Res. Ch. 87, Stats. 2001) is approved by the voters.~~

SEC. 15. Section 14612 of the Government Code is amended to read:

14612. (a) The department shall commit itself to achieve improved levels of performance, as specified in this section, by focusing its efforts on enhancing the value of the services it delivers.

(b) The department shall commit itself to providing (1) services that the Legislature or Governor requires state agencies to purchase from the department, and (2) services that state agencies are not required to purchase from the department, but that the department can provide on a cost-competitive basis.

(c) Notwithstanding any other provision of law, the director of the department or his or her designee, in lieu of the Director of Finance, may approve DGS Form 22 and DGS Form 220, including the extension of time to expend transferred funds, the transfer of funds from one work order to another, and the Return of Funds Document.

(d) Notwithstanding Chapter 3 (commencing with Section 13940) of Part 4, the director of the department or his or her designee may approve “relief from accountability” for debts owed to the department up to five thousand dollars (\$5,000) when the department determines it cannot collect the debts or when the cost of collection exceeds the amount of the debt.

(e) Notwithstanding Section 2807 of the Penal Code, the director of the department or his or her designee may procure goods from the private sector even though the goods may be available from the Prison Industry Authority, when in his or her discretion, it is cost beneficial to do so and if the director or his or her designee continues to include the authority in soliciting quotations for goods.

(f) Notwithstanding subdivision (a) of Section 948 and Section 965, the director of the department or his or her designee, in lieu of the Director of Finance, may certify funds for payment of all legal settlements and tort claims for which the department already

has sufficient expenditure authority and funds without the need for augmentation.

(g) Notwithstanding Chapter 7 (commencing with Section 14850) or Section 14901, no agency is required to use the Office of State Publishing for its printing needs and the Office of State Publishing may offer printing services to both state and other public agencies, including cities, counties, special districts, community college districts, the California State University, the University of California, and agencies of the United States government. When soliciting bids for printing services from the private sector, all state agencies shall also solicit a bid from the Office of State Publishing when the project is anticipated to cost more than five thousand dollars (\$5,000).

(h) Notwithstanding Section 14851, the Office of State Publishing may accept paid advertisements in state publications or in publications promoting an Office of State Publishing supported project or program, except that the Office of State Publishing may not accept or publish any paid political advertising.

(i) Notwithstanding Section 965.2, the director of the department or his or her designee, in lieu of the Director of Finance, may certify funds for payment for all legal court settlements for projects funded from the Architecture Revolving Fund, if a sufficient fund balance exists in the work order to pay the claim and the payment does not require a budget augmentation to complete the project.

(j) Notwithstanding Section 14957, the director of the department or his or her designee, in lieu of the Director of Finance, may approve the deposit of checks directly into the Architecture Revolving Fund. The department shall notify the Department of Finance within 30 days of the date that the department makes such a deposit.

(k) This section shall remain operative only until the effective date of the Budget Act of ~~2002~~ 2003 or June 30, ~~2002~~ 2003, whichever occurs later, and, as of January 1, ~~2003~~ 2004, is repealed, unless a later enacted statute that is enacted before January 1, ~~2003~~ 2004, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 16. Section 14612.5 is added to the Government Code, to read:

1 14612.5. Notwithstanding any other provision of law, for state
2 printing procurement purposes, printing is not considered a
3 personal service contract as defined in Section 19130.

4 SEC. 17. The state's current fiscal condition has necessitated
5 the reallocation of a local assistance appropriation, contained in
6 the Budget Act of 2000, for the Office of Criminal Justice
7 Planning, that was designated for a regional crime laboratory to
8 serve criminal justice agencies in Southern California.
9 Notwithstanding this action, and in furtherance of the mission of
10 the Office of Criminal Justice Planning, the Legislature finds that
11 there is a need for a regional crime laboratory in Los Angeles
12 County and that the state is benefited when multiple state and local
13 criminal justice and educational agencies are allowed to jointly
14 use, maintain, staff, and operate a regional crime laboratory
15 facility. Accordingly, the acquisition, development, design, and
16 construction of a regional crime laboratory in the City and County
17 of Los Angeles is hereby authorized, to be jointly used, maintained,
18 staffed, and operated by various interested state agencies and
19 educational institutions, together with the Los Angeles Regional
20 Crime Laboratory Facility Authority, a joint powers agency
21 consisting of the County of Los Angeles on behalf of its sheriff and
22 the City of Los Angeles on behalf of its police department.

23 SEC. 18. Section 14669.21 is added to the Government Code,
24 to read:

25 14669.21. (a) The Director of General Services is authorized
26 to acquire, develop, design, and construct, according to plans and
27 specifications approved by the Los Angeles Regional Crime
28 Laboratory Facility Authority, an approximately 200,000 gross
29 square foot regional criminal justice laboratory, necessary
30 infrastructure, and related surface parking to accommodate
31 approximately 600 cars on the Los Angeles campus of the
32 California State University. In accordance with this authorization,
33 the director is authorized to enter into any agreements, contracts,
34 leases, or other documents necessary to effectuate and further the
35 transaction. Further, the Los Angeles Regional Crime Laboratory
36 Facility Authority is authorized to assign, and the director is
37 authorized to accept, all contracts already entered into by the Los
38 Angeles Regional Crime Laboratory Facility Authority for the
39 development and design of this project. It is acknowledged that
40 these contracts will have to be modified to make them consistent

1 with the standards for state projects. The director is additionally
2 authorized to enter into a long-term ground lease for 75 years with
3 the Trustees of the California State University for the land within
4 the Los Angeles campus on which the project is to be constructed.
5 At the end of the ground lease term, unencumbered title to the land
6 shall return to the trustees and, at the option of the trustees,
7 ownership of any improvements constructed pursuant to this
8 section shall vest in the trustees. The trustees are authorized and
9 directed to fully cooperate and enter into a ground lease with the
10 Department of General Services upon the terms and conditions
11 that will facilitate the financing of this project by the State Public
12 Works Board. The trustees shall obtain concurrence from the Los
13 Angeles Regional Crime Laboratory Facility Authority in the
14 development of the long-term ground lease referenced in this
15 section. In his or her capacity, the director is directed to obtain
16 concurrence and approval from the trustees relating to the design
17 and construction of the facility consistent with the trustees'
18 reasonable requirements.

19 (b) The State Public Works Board is authorized to issue lease
20 revenue bonds, negotiable notes, or negotiable bond anticipation
21 notes pursuant to the State Building Construction Act of 1955
22 (Part 10b (commencing with Section 15800) for the acquisition,
23 development, design, and construction of the regional crime
24 laboratory as described in this section. The project shall be
25 acquired, developed, designed, and constructed on behalf of the
26 State Public Works Board and the Office of Criminal Justice
27 Planning by the Department of General Services in accordance
28 with state laws applicable to state projects provided, however, that
29 the contractor prequalification specified in Section 20101 of the
30 Public Contract Code may be utilized. For purposes of compliance
31 with the California Environmental Quality Act (Division 13
32 (commencing with Section 21000) of the Public Resources Code)
33 the Office of Criminal Justice Planning is the lead agency, and the
34 trustees, acting through California State University at Los
35 Angeles, and the Los Angeles Regional Crime Laboratory Facility
36 Authority are responsible agencies.

37 (c) The State Public Works Board and the Office of Criminal
38 Justice Planning may borrow funds for project costs from the
39 Pooled Money Investment Account, pursuant to Sections 16312
40 and 16313, or from any other appropriate source. In the event the

1 bonds authorized by this section for the project are not sold, the
2 Office of Criminal Justice Planning shall commit a sufficient
3 amount of its support appropriation to repay any loans made for
4 the project.

5 (d) The amount of lease revenue bonds, negotiable notes, or
6 negotiable bond anticipation notes to be issued by the State Public
7 Works Board shall not exceed ninety-two million dollars
8 (\$92,000,000) and any additional sums necessary to pay interim
9 and permanent financing costs. The additional sums may also
10 include interest and a reasonably required reserve fund. This
11 amount includes additional estimated project costs associated
12 with reformatting the initial local assistance appropriation into a
13 state managed and constructed regional crime laboratory project.

14 (e) The Office of Criminal Justice Planning may execute a
15 contract with the State Public Works Board for the lease of the
16 regional crime laboratory facilities described in this section that
17 are financed with the proceeds of the board's bonds. Further, and
18 notwithstanding any other provision of law, the Office of Criminal
19 Justice Planning is authorized to enter into contracts and
20 subleases with the trustees, the Los Angeles Regional Crime
21 Laboratory Facility Authority, the Department of Justice, and any
22 other appropriate state or local agency, with the consent of the
23 State Public Works Board and the Department of General
24 Services, for the use, maintenance, and operation of the financed
25 regional crime laboratory facilities described in this section.

26 (f) When all of the bonds or notes authorized pursuant to
27 subdivision (d) have been paid in full or provided for in
28 accordance with their terms, notwithstanding any other provision
29 of law, the Department of General Services shall assign the ground
30 lease entered into pursuant to subdivision (a) to the Los Angeles
31 Regional Crime Laboratory Facility Authority or its successor
32 agency. At that time, the ground lease may be amended as agreed
33 to by the trustees and the Los Angeles Regional Crime Laboratory
34 Facility Authority or its successor agency.

35 SEC. 19. Section 15320 is added to the Government Code, to
36 read:

37 15320. (a) The Technology, Trade, and Commerce Agency
38 shall develop an agency-wide strategic plan covering a minimum
39 of five years, in order to better integrate program efforts and to
40 highlight current state priorities.



1 **(b)** *The agency shall include all of the following in its strategic*
2 *planning process required pursuant to subdivision (a):*

3 **(1)** *Goals and targets for all significant aspects of its vision and*
4 *mission.*

5 **(2)** *Outcome goals that focus efforts on results, where most*
6 *appropriate.*

7 **(3)** *Outcome goals and related targets in agreements with third*
8 *parties who deliver program services.*

9 **(c)** *The agency shall ensure that short-term plans for programs*
10 *within the agency are aligned with the agency-wide strategic plan.*

11 **(d)** *Commencing February 15, 2003, and no later than*
12 *February 15 of each year thereafter, the agency shall report to the*
13 *chairpersons of the budget committees of the Legislature, as well*
14 *as to the Chairperson of the Joint Legislative Budget Committee,*
15 *on its progress in implementing a strategic approach to its*
16 *planning. The general reports shall include specific*
17 *recommendations.*

18 **SEC. 20.** *Section 15323.5 of the Government Code is*
19 *amended to read:*

20 **15323.5.** ~~*The*~~ *In order to carry out its functions and duties, the*
21 *agency shall may establish and maintain regional offices in the*
22 *San Francisco Bay area, Los Angeles County, Sacramento, and the*
23 *greater San Diego area in order to carry out its functions and*
24 ~~*duties, and elsewhere within the state as appropriate. The San*~~
25 *Diego regional office shall pay particular attention to economic*
26 *development issues involving the border, including maquiladoras,*
27 *labor, tourism, and other factors, and shall make making*
28 ~~*recommendations at least annually, as appropriate, to the*~~
29 *Governor and the Legislature on methods, programs, and policies*
30 *to improve the growth of jobs, income, and standards of living*
31 *along the border.*

32 **SEC. 21.** *Section 15364.725 is added to the Government*
33 *Code, to read:*

34 **15364.725.** *(a) The proponent of any new international trade*
35 *and investment office shall submit a proposed business plan for the*
36 *office to the Technology, Trade, and Commerce Agency. The*
37 *business plan shall contain all of the following:*

38 **(1)** *The delineated geographical area to be served by the office,*
39 *to be defined as the “region” to be served by the office.*

1 (2) Actual and potential investment and tourism directed to the
2 state from the region.

3 (3) Actual and potential export markets in the region for goods
4 produced in the state, and type of goods categorized according to
5 sector.

6 (4) Leading industries in the region.

7 (5) Existing federal trade offices, and municipal trade offices
8 from California operating in the region that provide investment,
9 tourism, and export promotion activities for the state.

10 (6) Other states that have trade offices, or that have investment,
11 tourism, or export promotion offices in the region.

12 (7) A cost-benefit analysis, including the assumptions on which
13 the analysis is based.

14 (8) Target export industry markets.

15 (9) State objectives, goals, and estimated outcome
16 performance.

17 (b) (1) To the extent that funds are available for that purpose,
18 the agency shall evaluate all business plans that have been
19 submitted to the agency pursuant to subdivision (a) during the
20 12-month period ending July 1 of any given year, and no later than
21 January 15, of the following year, shall submit those evaluations
22 to the Legislature. The evaluation reports shall include a
23 breakdown of the agency's costs for completion of the evaluation.

24 (2) To the extent that the agency is not funded to perform the
25 evaluation of the business plans, proponents may pay the cost of
26 the evaluation, pursuant to Section 15364.79.

27 (c) Each international trade and investment office shall
28 annually provide all of the following baseline information to the
29 agency:

30 (1) The delineated geographical area to be served by the office,
31 to be defined as the "region" served by the office.

32 (2) Actual and potential investment and tourism directed to the
33 state from the region.

34 (3) Actual and potential export markets in the region for goods
35 produced in the state, and type of goods categorized according to
36 sector.

37 (4) Leading industries in the region.

38 (5) Existing federal trade offices, and municipal trade offices
39 from California operating in the region that provide investment,
40 tourism, and export promotion activities for the state.

1 (6) *Other states that have trade offices, or that have investment,*
2 *tourism, or export promotion offices in the region.*

3 (7) *Target export industry markets.*

4 (8) *State objectives, goals, and estimated outcome*
5 *performance.*

6 (d) (1) *Each international trade and investment office shall*
7 *prepare, and the agency shall submit, annual reports to the*
8 *Legislature on all of the following information:*

9 (A) *The number of clients served.*

10 (B) *The nature of contacts made on behalf of each client.*

11 (C) *The amount of time spent on each client.*

12 (D) *The nature of the assistance provided to each client and the*
13 *ultimate outcome for the client.*

14 (E) *The amount of revenue generated for each client through*
15 *exports resulting from agency support.*

16 (F) *The amount of investments generated for the state on behalf*
17 *of each client through agency support.*

18 (G) *The amount of California jobs created by each client*
19 *through agency support.*

20 (H) *The amount of overseas jobs created by each client through*
21 *agency support to the extent that data is provided to the agency.*

22 (I) *The amount of trade leads created through each client.*

23 (J) *A profile of each client served, including, but not limited to,*
24 *all of the following:*

25 (i) *Whether the client was from a small, medium, or large sized*
26 *firm.*

27 (ii) *Whether the client was a first time exporter or investor.*

28 (iii) *The type of industry of the client.*

29 (K) *Any changes in baseline information.*

30 (2) *It is the intent of the Legislature that the agency may include*
31 *the annual reports required to be submitted pursuant to paragraph*
32 *(1) with other reports it normally submits to the Legislature.*

33 SEC. 22. *Section 16320 is added to the Government Code, to*
34 *read:*

35 16320. (a) *Unless otherwise prohibited by law, moneys in the*
36 *State Treasury may be loaned from one state fund or account to any*
37 *other state fund or account to address the 2002-03 fiscal year*
38 *budgetary shortfall, subject to all of the following conditions:*

39 (1) *The loan is authorized in the 2002 Budget Act.*

1 (2) *The terms and conditions of the loan, including an interest*
2 *rate, are set forth in the loan authorization.*

3 (3) *The loan is considered part of the balance of the fund or*
4 *account that received the funds for the purpose of accounting and*
5 *budgeting, including any determination made pursuant to Section*
6 *13307.*

7 (4) *The loan is not deducted from the balance of the fund or*
8 *account from which the loan is made for purposes of calculating*
9 *a fee or assessment.*

10 (5) *A fee or assessment may not be increased as a result of a*
11 *loan.*

12 (6) *Moneys loaned under this section shall not be considered a*
13 *transfer of resources for purposes of determining the legality of the*
14 *use of those moneys by the fund or account from which the loan is*
15 *made or the fund or account that received the loan.*

16 (b) (1) *The Director of Finance shall order the repayment of*
17 *all or a portion of any loan made pursuant to subdivision (a) if he*
18 *or she determines that either of the following circumstances exists:*

19 (A) *The fund or account from which the loan was made has a*
20 *need for the moneys.*

21 (B) *There is no longer a need for the moneys in the fund or*
22 *account that received the loan.*

23 (2) *The Director of Finance shall notify, in writing, the*
24 *Chairperson of the Joint Legislative Budget Committee within 30*
25 *days of ordering the repayment of any of these loans.*

26 (c) *On August 1 of each year, the Director of Finance shall*
27 *report in writing to the Chairperson of the Joint Legislative Budget*
28 *Committee the balances of these loans as of the preceding June 30.*
29 *On February 1 of each year, the Director of Finance shall provide*
30 *an updated report to the Chairperson of the Joint Legislative*
31 *Budget Committee on the balances of these outstanding loans, as*
32 *reflected in the preceding Governor's Budget.*

33 SEC. 23. *Section 16429.1 of the Government Code is*
34 *amended to read:*

35 16429.1. (a) *There is in the State Treasury the Local Agency*
36 *Investment Fund, which fund is hereby created. Notwithstanding*
37 *Section 13340, all money in the fund is hereby appropriated*
38 *without regard to fiscal years to carry out the purpose of this*
39 *section. The Controller shall maintain a separate account for each*
40 *governmental unit having deposits in this fund.*

~~Notwithstanding~~

(b) *Notwithstanding* any other provisions of law, a local governmental official, with the consent of the governing body of that agency, having money in its treasury not required for immediate needs, may remit the money to the Treasurer for deposit in the Local Agency Investment Fund for the purpose of investment.

~~Notwithstanding~~

(c) *Notwithstanding* any other provisions of law, an officer of any nonprofit corporation whose membership is confined to public agencies or public officials, or an officer of a qualified quasi-governmental agency, with the consent of the governing body of that agency, having money in its treasury not required for immediate needs, may remit the money to the Treasurer for deposit in the Local Agency Investment Fund for the purpose of investment.

~~Notwithstanding~~

(d) *Notwithstanding* any other provision of law or of this section, a local agency, with the approval of its governing body, may deposit in the Local Agency Investment Fund proceeds of the issuance of bonds, notes, certificates of participation, or other evidences of indebtedness of the agency pending expenditure of the proceeds for the authorized purpose of their issuance. In connection with these deposits of proceeds, the Local Agency Investment Fund is authorized to receive and disburse moneys, and to provide information, directly with or to an authorized officer of a trustee or fiscal agent engaged by the local agency, the Local Agency Investment Fund is authorized to hold investments in the name and for the account of that trustee or fiscal agent, and the Controller shall maintain a separate account for each deposit of proceeds.

~~The~~

(e) *The* local governmental unit, the nonprofit corporation, or the quasi-governmental agency has the exclusive determination of the length of time its money will be on deposit with the Treasurer.

~~The~~

(f) *The* trustee or fiscal agent of the local governmental unit has the exclusive determination of the length of time proceeds from the issuance of bonds will be on deposit with the Treasurer.

~~The~~

1 (g) *The* Local Investment Advisory Board shall determine
2 those quasi-governmental agencies which qualify to participate in
3 the Local Agency Investment Fund.

4 ~~The~~

5 (h) *The* Treasurer may refuse to accept deposits into the fund
6 if, in the judgment of the Treasurer, the deposit would adversely
7 affect the state's portfolio.

8 ~~The~~

9 (i) *The* Treasurer may invest the money of the fund in securities
10 prescribed in Section 16430. The Treasurer may elect to have the
11 money of the fund invested through the Surplus Money
12 Investment Fund as provided in Article 4 (commencing with
13 Section 16470) of Chapter 3 of Part 2 of Division 4 of Title 2.

14 ~~Money~~

15 (j) *Money* in the fund shall be invested to achieve the objective
16 of the fund which is to realize the maximum return consistent with
17 safe and prudent treasury management.

18 ~~All~~

19 (k) *All* instruments of title of all investments of the fund shall
20 remain in the Treasurer's vault or be held in safekeeping under
21 control of the Treasurer in any federal reserve bank, or any branch
22 thereof, or the Federal Home Loan Bank of San Francisco, with
23 any trust company, or the trust department of any state or national
24 bank.

25 ~~Immediately~~

26 (l) *Immediately* at the conclusion of each calendar quarter, all
27 interest earned and other increment derived from investments shall
28 be distributed by the Controller to the contributing governmental
29 units or trustees or fiscal agents, nonprofit corporations, and
30 quasi-governmental agencies in amounts directly proportionate to
31 the respective amounts deposited in the Local Agency Investment
32 Fund and the length of time the amounts remained therein. An
33 amount equal to the reasonable costs incurred in carrying out the
34 provisions of this section, not to exceed a maximum of one-half of
35 1 percent of the earnings of this fund, shall be deducted from the
36 earnings prior to distribution. The amount of this deduction shall
37 be credited as reimbursements to the state agencies, *including the*
38 *Treasurer, the Controller, and the Department of Finance*, having
39 incurred costs in carrying out the provisions of this section.

40 ~~The~~

(m) The Treasurer shall prepare for distribution a monthly report of investments made during the preceding month.

~~As~~

(n) As used in this section, “local agency,” “local governmental unit,” and “local governmental official” includes a campus or other unit and an official, respectively, of the California State University who deposits moneys in funds described in Sections 89721, 89722, and 89725 of the Education Code.

SEC. 24. Section 16475 of the Government Code is amended to read:

16475. As of December 31 and June 30 all interest earned and other increment derived from investments made pursuant to this article shall, on order of the Controller, be deposited in the Surplus Money Investment Fund. The Controller, after deducting an amount equal to the reasonable costs incurred by the Treasurer ~~and~~, the Controller, *and the Department of Finance* in carrying out this article, shall apportion, as of December 31st and June 30th of each year, to the following funds in the Treasury, interest earned or increment derived from the investments authorized by this article for the six calendar months ending with those dates:

(a) The General Fund.

(b) Each fund into which are deposited or which contains moneys collected from any tax now or hereafter imposed by this state upon the manufacture, sale, distribution, or use of motor vehicle fuel, for use in motor vehicles upon the public streets and highways.

(c) Each fund into which are deposited or which contains moneys collected from motor vehicle and other vehicle registration license fees or from any other tax or license fee now or hereafter imposed by the state upon vehicles, motor vehicles or the operation thereof, except those taxes and license fees that, by the provisions of Section 7 of Article XIX of the Constitution, are exempted from the provisions of Section 2 of Article XIX.

(d) Each fund into which are deposited or that contains moneys collected under any law of this state relating to the protection, conservation, propagation, or preservation of fish, game, mollusks, or crustaceans, and fines imposed by any court for the violation of any of those laws.

(e) Each fund into which are deposited or that contains moneys available for construction, repair, replacement, maintenance or operation of public works of the state, including, but not limited to, the facilities of the State Water Resources Development System, as defined in Section 12931 of the Water Code, toll facilities financed, built, or acquired pursuant to the California Toll Bridge Authority Act (Chapter 1 (commencing with Section 30000) of Division 17 of the Streets and Highways Code), or moneys available for the payment of principal or interest on bonds issued to provide for the construction of those facilities.

(f) Every other fund in respect to which the Director of Finance on the advice of the Attorney General determines that the operation of the California Constitution or the United States Constitution prohibits the expenditure of interest received under this article and allocated on the basis of amounts in that fund for General Fund purposes.

(g) Each fund not included within subdivisions (a) to (f), inclusive.

The apportionments shall be made by the Controller in the following manner:

(1) All money not apportioned to the funds referred to in subdivisions (b), (c), (d), (e), (f), and (g) shall be apportioned to the General Fund.

(2) There shall be apportioned to each of the funds referred to in subdivisions (b), (c), (d), (e), (f), and (g), an amount directly proportionate to the respective amounts transferred from those funds to the Surplus Money Investment Fund and the length of time the amounts remained therein.

(3) Interest accrued or paid to the Pooled Money Investment Account from the proceeds of tax-exempt obligations on loans made pursuant to Section 16312 or 16313, to the extent thereof, shall be deemed apportioned to the State Highway Account or any other accounts that may be designated by the Controller pursuant to Section 16654, but only to the extent of its proportionate earnings as determined under paragraph (2). This paragraph shall neither increase nor decrease the amount of earnings apportioned to any fund or account in accordance with this section. These moneys shall be deemed expended (or applied to reimburse expenditures previously paid) first following the allocation of these interest earnings of the Surplus Money Investment Fund to

the State Highway Account or any other accounts that may be designated by the Controller pursuant to Section 16654. It is the intent of the Legislature that this paragraph shall authorize the Treasurer and the Controller to monitor the expenditure of the proceeds of tax-exempt obligations in order to comply with federal tax laws and shall neither increase nor decrease the amount of bonds, notes, or other obligations to be issued by the state or any subdivision thereof, nor shall this paragraph be interpreted to indicate that the allocation is contrary to any bond act.

SEC. 25. Section 16475.5 of the Government Code is amended to read:

16475.5. Notwithstanding the provisions of Section 16475, as of December 31 and June 30 each year all interest earned and other increment derived from the investment pursuant to this article of money of the Fish and Game Preservation Fund, less the expenses incurred by the Treasurer~~and~~, the Controller, *and the Department of Finance* under this article in connection with the investment of this money, shall be transferred to the Fish and Game Preservation Fund.

SEC. 26. Section 16724.6 of the Government Code is amended to read:

16724.6. There is hereby transferred from any bond fund created for the proceeds of sales of state general obligation bonds, the amounts necessary to reimburse the Treasurer, *the Controller, and the Department of Finance* for actual expenses incurred in: (1) administering *or reviewing* loans from the Pooled Money Investment Account to the bond fund *including review by the Public Works Board staff*, (2) assuring bond program compliance with federal laws and regulations related to tax-exempt government obligations by tracking arbitrage and expenditures, calculating and remitting federal rebates and penalties, investing bond sale proceeds, establishing and maintaining special accounting systems, and providing ~~such~~ other services the Treasurer determines are necessary to maintain the tax-exempt status of the bonds.

SEC. 27. Section 16727 of the Government Code is amended to read:

16727. Proceeds from the sale of any bonds issued pursuant to this chapter shall be used only for the following purposes:

1 (a) The costs of construction or acquisition of capital assets.
2 “Capital assets” mean tangible physical property with an
3 expected useful life of 15 years or more. “Capital assets” also
4 means tangible physical property with an expected useful life of
5 10 to 15 years, but these costs may not exceed 10 percent of the
6 bond proceeds net of all issuance costs. “Capital assets” include
7 major maintenance, reconstruction, demolition for purposes of
8 reconstruction of facilities, and retrofitting work that is ordinarily
9 done no more often than once every 5 to 15 years or expenditures
10 that continue or enhance the useful life of the capital asset.
11 “Capital assets” also include equipment with an expected useful
12 life of two years or more. Costs allowable under this section
13 include costs incidentally but directly related to construction or
14 acquisition, including, but not limited to, planning, engineering,
15 construction management, architectural, and other design work,
16 environmental impact reports and assessments, required
17 mitigation expenses, appraisals, legal expenses, site acquisitions,
18 and necessary easements.

19 (b) To make grants or loans, if the proceeds of the grants or
20 loans are used for the costs of construction or acquisition of capital
21 assets. Bond proceeds may also be used to pay the costs of a state
22 agency for administering the grant or loan program.

23 (c) To repay funds borrowed in anticipation of the sale of the
24 bonds, including interest, or to pay interest on the bonds
25 themselves.

26 (d) To pay the costs of a state agency with responsibility for
27 administering the bond program. *These costs include those*
28 *incurred by the Treasurer, the Controller, the Department of*
29 *Finance, and the Public Works Board for staff, operating expenses*
30 *and equipment, and consultants’ costs.*

31 (e) The costs of the Treasurer’s office directly associated with
32 the sale and payment of the bonds, including, but not limited to,
33 underwriting discounts, costs of printing, bond counsel,
34 registration, and fees of trustees.

35 Nothing in this section is intended to prohibit the investment of
36 bond proceeds or the use of proceeds of those investments in any
37 manner authorized by law.

38 SEC. 28. *Section 16731.6 of the Government Code is*
39 *amended to read:*

16731.6. (a) Notwithstanding any other provision of this chapter, and as an alternative to the procedures set forth in Section 16731, the committee may provide for the issuance of all or part of the bonds authorized to be issued as commercial paper notes. The committee shall adopt a resolution finding that issuance of the bonds in the form of commercial paper notes is necessary and desirable, directing the Treasurer to arrange for preparation of the requisite number of suitable notes, and specifying other provisions relating to the commercial paper notes including the following:

(1) For each program of commercial paper notes authorized, the final date of maturity and the total aggregate principal amount of the commercial paper notes authorized to be outstanding at any one time up to the maturity date. The resolution may provide that the commercial paper notes may be issued and renewed from time to time until the final maturity date, and that the amount issued from time to time may be set by the Treasurer up to the maximum amount authorized to be outstanding at any one time. The resolution shall include methods of setting the dates, numbers, and denominations of the commercial paper notes. Determination of the final maturity date and total amount by the committee shall be made upon recommendation of the Treasurer to meet the needs of the state for funds, to provide the maximum benefit to potential purchasers, and to respond to the expected demand for the commercial paper notes. Notwithstanding any other provision of this chapter, whenever the committee determines to issue commercial paper notes, the committee need not comply with the requirements of Section 16732.

(2) The method of setting the interest rates and interest payment dates applicable to the commercial paper notes. Commercial paper notes may bear a state rate of interest payable only at maturity, which rate or rates may be determined at the time of sale of each unit of commercial paper notes. The rate of interest borne by the commercial paper notes shall not exceed 11 percent per annum. Notwithstanding any other provision of this chapter, whenever the committee determines to issue commercial paper notes, the committee need not comply with the requirements of Section 16733.

(3) Any provisions for the redemption of the commercial paper notes prior to stated maturity.

1 (4) The technical form and language of the commercial paper
2 notes.

3 (5) All other terms and conditions of the commercial paper
4 notes and of their execution, issuance, and sale, deemed necessary
5 and appropriate by the committee.

6 (b) Notwithstanding any other provision of this chapter, when
7 the committee determines to issue commercial paper notes, all of
8 the following shall apply:

9 (1) The commercial paper notes may be sold at negotiated sale
10 at a price below the par value in a manner consistent with
11 paragraph (2) of subdivision (a).

12 (2) For purposes of determining the principal amount of bonds
13 of any voted authorization outstanding, in the case of any
14 commercial paper notes, the principal amount deemed outstanding
15 at any time during the term of a program of commercial paper
16 notes shall be the maximum amount authorized in the resolution.

17 (3) During the term of any program of commercial paper notes,
18 the renewal and reissuance from time to time of the commercial
19 paper notes in an amount up to the maximum amount authorized
20 by the resolution shall be deemed to be a refunding of the
21 previously maturing amount, permitted by and consistent with
22 Article 6 (commencing with Section 16780).

23 (4) Consistent with the intent for the General Fund to realize a
24 savings in debt service costs when commercial paper notes are
25 issued in place of bonds without shifting or adding financing and
26 debt service costs to the bond funds, the state administrative costs
27 of commercial paper and interest payable and other costs
28 associated with commercial paper notes shall be paid for as
29 follows:

30 (A) The proceeds of commercial paper notes are,
31 notwithstanding Section 13340, continuously appropriated to pay
32 the state administrative costs of commercial paper including, but
33 not limited to, costs of the Treasurer's office ~~and~~, the Controller's
34 office, *and the Department of Finance*.

35 (B) The interest payable on maturing commercial paper notes
36 and other costs associated with commercial paper notes not
37 specified in paragraph (A), including, but not limited to,
38 remarketing fees, issuing and paying agent fees, the letter or line
39 of credit provider fees, the rating agency fees, and bond counsel
40 fees, shall be paid from the General Fund which, notwithstanding

1 Section 13340, is continuously appropriated to pay the interests
2 and costs.

3 *SEC. 29. Section 17311 of the Government Code is amended*
4 *to read:*

5 17311. There is hereby appropriated from the General Fund
6 without regard to fiscal years, two hundred fifty thousand dollars
7 (\$250,000) which shall be set aside in a special account entitled
8 State Notes Expense Account, and shall be used to pay expenses
9 incurred by the Treasurer, *Controller, or the Department of*
10 *Finance* in providing for the preparation, sale, issuance,
11 advertising, legal services, or any other act which, in the discretion
12 of the Treasurer *or the Department of Finance*, is necessary to
13 carry out the purposes of this part. This account shall operate as a
14 revolving fund and whenever notes are sold, out of the first money
15 realized from their sale, any remaining expenses shall be paid and
16 then there shall be redeposited in the account any amounts that
17 have been expended for the above purposes, which amounts may
18 be used for the same purposes and repaid in the same manner
19 whenever additional sales are made.

20 *SEC. 30. Section 64000 of the Government Code is amended*
21 *to read:*

22 64000. (a) ~~(1) The California Transportation Commission~~
23 ~~may allocate available federal and state transportation funds to the~~
24 ~~Department of Transportation, consistent with all applicable state~~
25 ~~and federal laws governing the use of those funds, for an~~
26 ~~enforceable commitment to the California Economic~~
27 ~~Development Financing Authority for implementing the purposes~~
28 ~~of the Transportation Finance Bank created pursuant to the~~
29 ~~authority set forth in the memorandum of agreement entered into~~
30 ~~by the commission, the department, and the authority, dated May~~
31 ~~1, 1996, and amended on July 29, 1996. The commission shall~~
32 ~~allocate funds from the State Highway Account in the State~~
33 ~~Transportation Fund and other available funds under the~~
34 ~~jurisdiction of the commission to the department to be used to meet~~
35 ~~capital and interest obligations created by the Transportation~~
36 ~~Finance Bank as those obligations arise or become due.~~

37 ~~(2) No funding guarantees for new programs may be made by~~
38 ~~the commission under this section after the expiration date of the~~
39 ~~federal demonstration program provided for in Section 1511 of~~
40 ~~Public Law 105-178.~~

~~(3) The commission may allocate state transportation improvement program funds to provide funding guarantees for loans and other instruments of credit if the State Infrastructure Bank program was authorized under Section 350 of Public Law 104-59 to make these loans and instruments of credit to implement the purposes of, and to operate and manage, the Transportation Finance Bank as provided in accordance with the provisions of Section 350 of Public Law 104-59 and Section 1511 of Public Law 105-178 using only funds made available to the department through the annual budget act.~~

~~(b) The department shall act as a lender in administering the Transportation Finance Bank and in entering into enforceable commitments to implement, operate, and manage the program created by this section to achieve the purposes of the Transportation Finance Bank.~~

~~(c) The department shall develop, and may amend as necessary, the guidelines and loan documents for the program, which shall be presented to the commission for adoption.~~

~~(d) An allocation of funds by the commission to meet capital and interest obligations created by the Transportation Finance Bank as those obligations become due shall be construed as an expenditure of those funds in the county or counties where the project is located and. In the event of default on the loan, an amount equivalent to the allocation remaining loan balance plus all accrued interest and penalties shall be deducted from the amount of funds available to STIP county share of the affected county or counties in the ensuing fund estimate prepared pursuant to Sections 14524 and 14525 and an amount equivalent to the remaining loan balance plus all accrued interest and penalties shall be transferred from the State Highway Account to the Transportation Finance Bank. Interest shall continue to accrue up to the date that the fund transfer is actually made.~~

~~(e) Any project~~

~~(e) An eligible entity requesting loan funds or funding guarantees under this section shall first receive approval of the project from the applicable regional transportation planning agency or county transportation commission where the project is located prior to the execution of a loan agreement with the department and the receipt of any funding guarantee or funding.~~

~~(d) Notwithstanding any other provision of law, the amount of funds needed to meet capital and interest obligations created by the Transportation Finance Bank with respect to those projects shall not exceed the total amount programmed for each county in the previous transportation improvement program.~~

~~(e)–~~

(f) Only projects that have a dedicated revenue source and are eligible for assistance under Section 1511 of Public Law 105-178 are entitled to funding ~~or guarantees~~ under this section.

(g) *The Local Transportation Loan Account is hereby created in the State Highway Account in the State Transportation Fund for the management of funds for loans to local entities pursuant to this section. All funds for transportation loans in the Federal Trust Fund are hereby transferred to the Local Transportation Loan Account. The department shall deposit in the Local Transportation Loan Account all money received by the department from repayments of and interest and penalties on existing and future transportation loans from the Transportation Finance Bank. Interest on money in the Local Transportation Loan Account shall be credited to that account as it accrues.*

(h) *Notwithstanding Section 13340, the money in the Local Transportation Loan Account is continuously appropriated to the department without regard to fiscal years for purposes of loans to eligible projects as defined by Section 1511 of Public Law 105-178.*

(i) *On or before March 1 of each year in which the loan program authorized by this section is effective, the department shall report, to the fiscal committees and the policy committees of the Legislature that consider transportation issues, on its activities in administering that program. The report shall include, but not be limited to, the total amount of loans issued by the department pursuant to this section, a description of the projects funded by those loans, the identification of all recipients of those loans, and any loans that the department intends to make in the subsequent fiscal year pursuant to this section.*

SEC. 31. *Section 68087 is added to the Government Code, to read:*

68087. (a) *A state surcharge of 10 percent shall be levied on any fee specified in paragraph (1) of subdivision (c) of Section*

1 68085. *This surcharge shall be in addition to any other*
2 *court-related fee.*

3 (b) *The clerk of the court shall cause the amount collected to*
4 *be transmitted to the Trial Court Trust Fund.*

5 (c) *It is the intent of the Legislature that nothing in this section*
6 *shall change the existing distribution or amounts of the fees*
7 *specified in paragraph (1) of subdivision (c) of Section 68085*
8 *provided to local jurisdictions and the state.*

9 (d) *This section shall become inoperative on July 1, 2007, and*
10 *as of January 1, 2008, is repealed, unless a later enacted statute,*
11 *that becomes operative on or before January 1, 2008, deletes or*
12 *extends that date.*

13 SEC. 32. *Section 18909 of the Health and Safety Code is*
14 *amended to read:*

15 18909. (a) “Building standard” means any rule, regulation,
16 order, or other requirement, including any amendment or repeal of
17 that requirement, ~~which~~ *that* specifically regulates, requires, or
18 forbids the method of use, properties, performance, or types of
19 materials used in the construction, alteration, improvement,
20 repair, or rehabilitation of a building, structure, factory-built
21 housing, or other improvement to real property, including fixtures
22 therein, and as determined by the commission.

23 (b) Except as provided in subdivision (d), “building standard”
24 includes architectural and design functions of a building or
25 structure, including, but not limited to, number and location of
26 doors, windows, and other openings, stress or loading
27 characteristics of materials, and methods of fabrication,
28 clearances, and other functions.

29 (c) “Building standard” includes a regulation or rule relating
30 to the implementation or enforcement of a building standard not
31 otherwise governed by statute, but does not include the adoption
32 of procedural ordinances by a city or other public agency relating
33 to civil, administrative, or criminal procedures and remedies
34 available for enforcing code violations.

35 (d) “Building standard” does not include any safety
36 regulations ~~which~~ *that* any state agency is authorized to adopt
37 relating to the operation of machinery and equipment used in
38 manufacturing, processing, or fabricating, including, but not
39 limited to, warehousing and food processing operations, but not
40 including safety regulations relating to permanent appendages,

1 accessories, apparatus, appliances, and equipment attached to the
2 building as a part thereof, as determined by the commission.

3 (e) “Building standard” does not include temporary
4 scaffoldings and similar temporary safety devices and procedures,
5 ~~which that~~ are used in the erection, demolition, moving, or
6 alteration of buildings.

7 (f) “Building standard” does not include any regulation
8 relating to the internal management of a state agency.

9 (g) “Building standard” does not include any regulation, rule,
10 order, or standard ~~which that~~ pertains to mobilehomes,
11 manufactured homes, commercial coaches, special purpose
12 commercial coaches, or recreational vehicles.

13 (h) “Building standard” does not include any regulation, rule,
14 or order or standard ~~which that~~ pertains to a mobilehome park,
15 recreational vehicle park, temporary recreational vehicle park, or
16 travel trailer park, except that “building standard” includes the
17 construction of permanent buildings and plumbing, electrical, and
18 fuel gas equipment and installations within permanent buildings
19 in mobilehome parks, recreational vehicle parks, temporary
20 recreational vehicle parks, or travel trailer parks. For purposes of
21 this subdivision, “permanent building” means any permanent
22 structure constructed in the mobilehome park, recreational vehicle
23 park, temporary recreational vehicle park, or travel trailer park
24 ~~which that~~ is a permanent facility under the control and ownership
25 of the park operator.

26 (i) “Building standard” does not include any regulation, rule,
27 order, or standard ~~which that~~ pertains to mausoleums regulated
28 under Part 5 (commencing with Section 9501) of Division 8.

29 (j) “Building standard” does not include any regulation
30 adopted by the California Integrated Waste Management Board,
31 the Department of Toxic Substances Control, *the Occupational*
32 *Safety and Health Standards Board*, or the State Water Resources
33 Control Board concerning the discharge of waste to land or the
34 treatment, transfer, storage, resource recovery, disposal, or
35 recycling of the waste.

36 *SEC. 33. Section 18913 of the Health and Safety Code is*
37 *amended to read:*

38 18913. “Emergency standard” means ~~either of the following:~~

1 ~~(a) A~~ a building standard or an order of repeal of a building
2 standard filed for publication in the code by the commission
3 pursuant to Section 11346.1 of the Government Code.

4 ~~(b) A building standard adopted by the Occupational Safety~~
5 ~~and Health Standards Board which is at least as effective as a~~
6 ~~federal standard promulgated under Section 6 of the federal~~
7 ~~Occupational Safety and Health Act of 1970 (Public Law 91-596).~~

8 *SEC. 34. Section 18937 of the Health and Safety Code is*
9 *amended to read:*

10 18937. (a) Emergency standards shall be acted on by the
11 commission within 30 days and, ~~except for building standards~~
12 ~~adopted by the Occupational Safety and Health Standards Board~~
13 ~~which are at least as effective as a federal standard promulgated~~
14 ~~under Section 6 of the federal Occupational Safety and Health Act~~
15 ~~of 1970 (Public Law 91-596);~~ only when the adopting agency or
16 state agency that proposes the building standards has made the
17 finding of emergency required by Sections 11346.1 and 11346.5
18 of the Government Code and the adopting agencies have adopted
19 the emergency standard in compliance with Section 11346.1 of the
20 Government Code, and the commission concurs with that finding.
21 Both the concurrence and the approval of the emergency building
22 standards require an affirmative vote of two-thirds of the members
23 of the commission attending a meeting, or not less than six
24 affirmative votes, whichever is greater.

25 (b) Emergency standards approved by the commission
26 pursuant to subdivision (a) shall be filed by the commission
27 pursuant to Section 11346.1 of the Government Code and shall be
28 subject to that section.

29 *SEC. 35. Section 18938 of the Health and Safety Code is*
30 *amended to read:*

31 18938. (a) Building standards shall be filed with the
32 Secretary of State and codified only after they have been approved
33 by the commission and shall not be published in any other title of
34 the California Code of Regulations. Emergency building
35 standards shall be filed with the Secretary of State and shall take
36 effect only after they have been approved by the commission as
37 required by Section 18937. The filing of building standards
38 adopted or approved pursuant to this part, or any certification with
39 respect thereto, with the Secretary of State, or elsewhere as
40 required by law, shall be done solely by the commission.

(b) The building standards contained in the Uniform Fire Code of the International Conference of Building Officials and the Western Fire Chiefs Association, Inc., the Uniform Building Code of the International Conference of Building Officials, Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials, the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, the National Electrical Code of the National Fire Protection Association, and the Uniform Mechanical Code of the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, as referenced in the California Building Standards Code, shall apply to all occupancies throughout the state and shall become effective 180 days after publication in the California Building Standards Code by the California Building Standards Commission or at a later date after publication established by the commission.

(c) Except as otherwise provided in this subdivision, an adoption, amendment, or repeal of a building standard shall become effective 180 days after its publication in the triennial edition of the California Building Standards Code or one of its supplements, or at any later date as approved by the California Building Standards Commission, with the exceptions of ~~building standards adopted by the Occupational Safety and Health Standards Board~~, standards adopted pursuant to Section 25402 of the Public Resources Code, and those regulations that implement or enforce building standards. ~~Building standards adopted by the Occupational Safety and Health Standards Board and those regulations~~ *Regulations* that implement or enforce building standards shall become effective 30 days after filing by the commission with the Secretary of State. This subdivision shall not apply to emergency building standards, ~~and building standards approved pursuant to subdivision (b) of Section 142.3 of the Labor Code and published pursuant to subdivision (b) of Section 18943.~~ An amendment or a repeal of a building standard in the California Building Standards Code that, as determined by the commission, would result in a less restrictive regulation, shall become effective 30 days after filing of the amendment or repeal by the commission with the Secretary of State.

(d) Emergency standards defined in subdivision (a) of Section 18913 shall become effective when approved by the commission,

1 and filed with the Secretary of State, or upon any later date
2 specified therein, and remain in effect as provided by Section
3 11346.1 of the Government Code and Section 18937 of this code.
4 Emergency standards shall be distributed as soon as practicable
5 after publication to all interested and affected parties. Notice of
6 repeal, pursuant to Section 11346.1 of the Government Code, of
7 emergency standards defined in subdivision (a) of Section 18913
8 within the period specified by that section, shall also be given to
9 the parties by the affected agencies promptly after the termination
10 of the statutory period pursuant to Section 11346.1 of the
11 Government Code.

12 (e) This section shall not be applicable to the time limits set
13 forth in Sections 17922 and 17958 for approval of uniform codes
14 and for changes by local agencies in the California Building
15 Standards Code.

16 *SEC. 36. Section 18942 of the Health and Safety Code is*
17 *amended to read:*

18 18942. (a) The commission shall publish, or cause to be
19 published, editions of the code in its entirety once in every three
20 years. In each intervening year the commission shall publish, or
21 cause to be published, supplements as necessary. For emergency
22 building standards defined in subdivision (a) of Section 18913, an
23 emergency building standards supplement shall be published
24 whenever the commission determines it is necessary. ~~The~~
25 ~~commission shall also publish, for emergency standards defined in~~
26 ~~subdivision (b) of Section 18913 and for building standards or~~
27 ~~administrative regulations that apply directly to the~~
28 ~~implementation or enforcement of building standards approved~~
29 ~~pursuant to subdivision (b) of Section 142.3 of the Labor Code, a~~
30 ~~semiannual supplement, or a more frequent supplement if required~~
31 ~~by federal law.~~

32 (b) The commission shall publish the text of Article 2.5
33 (commencing with Section 115920) of Chapter 5 of Part 10 of
34 Division 104, within the California Code of Regulations, Title 24,
35 Part 2 requirements for single-family residential occupancies,
36 with the following note:

37 “NOTE: These regulations are subject to local government
38 modification. You should verify the applicable local
39 government requirements at the time of application for a
40 building permit.”

1
2 (c) The commission may publish, stockpile, and sell at a
3 reasonable price the code and any materials incorporated therein
4 by reference if it deems the latter is insufficiently available to the
5 public, or unavailable at a reasonable price. Each state department
6 concerned and each city, county, or city and county shall have an
7 up-to-date copy of the code available for public inspection.

8 (d) (1) Each city, county, and city and county, including
9 charter cities, shall obtain and maintain with all revisions on a
10 current basis, at least one copy of the building standards and other
11 state regulations relating to buildings published in Titles 8, 19, 20,
12 24, and 25 of the California Code of Regulations. These codes
13 shall be maintained in the office of the building official responsible
14 for the administration and enforcement of this part.

15 (2) This subdivision shall not apply to any city or county which
16 contracts for the administration and enforcement of the provisions
17 of this part with another local government agency ~~which~~ that
18 complies with this section.

19 *SEC. 37. Section 18943 of the Health and Safety Code is*
20 *amended to read:*

21 18943. ~~(a)~~ Building standards in individual titles of the
22 California Code of Regulations other than the California Building
23 Standards Code shall have no force nor effect after January 1,
24 1985.

25 ~~(b) Building standards adopted by the Occupational Safety and~~
26 ~~Health Standards Board shall be published as provided in Section~~
27 ~~18942 by the commission in the California Building Standards~~
28 ~~Code. Those building standards may also be published by the~~
29 ~~Occupational Safety and Health Standards Board in other~~
30 ~~provisions in Title 8 of the California Code of Regulations prior~~
31 ~~to publication in the California Building Standards Code if that~~
32 ~~other publication includes an appropriate identification of~~
33 ~~building standards contained in the other publication.~~

34 *SEC. 38. Section 33020 of the Health and Safety Code is*
35 *amended to read:*

36 33020. ~~(a)~~ “Redevelopment” means the planning,
37 development, replanning, redesign, clearance, reconstruction, or
38 rehabilitation, or any combination of these, of all or part of a
39 survey area, and the provision of those residential, commercial,
40 industrial, public, or other structures or spaces as may be

1 appropriate or necessary in the interest of the general welfare,
2 including recreational and other facilities incidental or
3 appurtenant to them and payments to school and community
4 college districts in the ~~1992–93, 1993–94, and 1994–95~~ fiscal
5 years ~~as provided specified~~ in Sections 33681 and, 33681.5, and
6 33681.7.

7 ~~(b) “Redevelopment” means, for the purpose of providing~~
8 ~~authority pursuant to Section 33427, the provision of loan~~
9 ~~guarantees to a small business and the financing of a private~~
10 ~~nonprofit corporation-sponsored small business incubator or a~~
11 ~~public small business incubator.~~

12 *SEC. 39. Section 33681 of the Health and Safety Code is*
13 *amended to read:*

14 33681. (a) (1) During the 1992–93 fiscal year, a
15 redevelopment agency shall remit, prior to May 10, 1993, an
16 amount equal to the amount determined for that agency pursuant
17 to subparagraph (D) of paragraph (2) to the county auditor for
18 deposit in the Educational Revenue Augmentation Fund created
19 pursuant to Section 97.03 of the Revenue and Taxation Code.

20 (2) For the 1992–93 fiscal year, on or before October 1, 1992,
21 the Director of Finance shall do each of the following:

22 (A) Determine the total amount of property taxes apportioned
23 to each agency pursuant to Section 33670, including any amounts
24 apportioned to affected taxing agencies pursuant to Section 33401
25 or 33676, in the 1990–91 fiscal year.

26 (B) Determine the total amount of property taxes apportioned
27 to all agencies pursuant to Section 33670, including any amounts
28 apportioned to affected taxing agencies pursuant to Section 33401
29 or 33676, in the 1990–91 fiscal year.

30 (C) Determine a percentage factor by dividing two hundred
31 five million dollars (\$205,000,000) by the amount determined
32 pursuant to subparagraph (B).

33 (D) Determine an amount for each agency by multiplying the
34 amount determined pursuant to subparagraph (A) by the
35 percentage factor determined pursuant to subparagraph (C).

36 (E) Notify each agency and each legislative body of the amount
37 determined pursuant to subparagraph (D).

38 (F) Notify each county auditor of the amounts determined
39 pursuant to subparagraph (D) for each agency in his or her county.

(b) (1) Notwithstanding Sections 33334.2, 33334.3, and 33334.6, and any other provision of law, in order to make the full allocation required by this section, an agency may borrow up to 50 percent of the amount required to be allocated to the Low- and Moderate-Income Housing Fund pursuant to Sections 33334.2, 33334.3, and 33334.6 during the 1992–93 fiscal year, unless executed contracts exist that would be impaired if the agency reduced the amount allocated to the Low- and Moderate-Income Housing Fund pursuant to the authority of this section.

(2) As a condition for borrowing pursuant to this subdivision, an agency shall make a finding that there are insufficient other moneys to meet the requirements of subdivision (a). Funds borrowed pursuant to this subdivision shall be repaid in full on or before June 30, 2003, *unless the agency is, on or before June 30, 2003, required by law to make a further payment to an Educational Revenue Augmentation Fund commencing with the 2002–03 fiscal year, in which case the date for repayment of the loan borrowed pursuant to this subdivision shall be delayed by one year for each fiscal year, commencing with the 2002–03 fiscal year, that the agency is required to make this further payment.*

(c) In order to make the allocation required by this section, an agency may use any funds that are legally available and not legally obligated for other uses, including, but not limited to, reserve funds, proceeds of land sales, proceeds of bonds or other indebtedness, lease revenues, interest, and other earned income. No moneys held in a low- and moderate-income fund as of July 1, 1992, may be used for this purpose.

(d) The legislative body shall, by March 1, 1993, report to the county auditor as to how the agency intends to fund the allocation required by this section.

(e) The allocation obligations imposed by this section, including amounts owed, if any, created under this section, are hereby declared to be an indebtedness of the redevelopment project to which they relate, payable from taxes allocated to the agency pursuant to Section 33670, and shall constitute an indebtedness of the agency with respect to the redevelopment project until paid in full.

(f) It is the intent of the Legislature, in enacting this section, that these allocations directly or indirectly assist in the financing or refinancing, in whole or in part, of the community's

1 redevelopment projects pursuant to Section 16 of Article XVI of
2 the California Constitution.

3 (g) It is the intent of the Legislature in enacting this section that
4 this section supersede and be operative in place of Section 33681
5 of the Health and Safety Code as added by Senate Bill 617 of the
6 1991–92 Regular Session.

7 (h) This section shall be operative only until July 1, 2003. This
8 section shall remain in effect only until January 1, 2004, and as of
9 that date is repealed.

10 *SEC. 40. Section 33681.5 of the Health and Safety Code is*
11 *amended to read:*

12 33681.5. (a) (1) During each of the 1993–94 and 1994–95
13 fiscal years, a redevelopment agency shall remit prior to May 10
14 an amount equal to the amount determined for that agency
15 pursuant to subparagraph (D) of paragraph (2) to the county
16 auditor for deposit in the Educational Revenue Augmentation
17 Fund created pursuant to Section 97.03 of the Revenue and
18 Taxation Code.

19 (2) For each of the 1993–94 and 1994–95 fiscal years, on or
20 before October 1, the Director of Finance shall do each of the
21 following:

22 (A) Determine the net tax increment apportioned to each
23 agency pursuant to Section 33670, excluding any amounts
24 apportioned to affected taxing agencies pursuant to Section 33401
25 or 33676, in the 1990–91 fiscal year.

26 (B) Determine the net tax increment apportioned to all agencies
27 pursuant to Section 33670, excluding any amounts apportioned to
28 affected taxing agencies pursuant to Section 33401 or 33676, in the
29 1990–91 fiscal year.

30 (C) Determine a percentage factor by dividing sixty-five
31 million dollars (\$65,000,000) by the amount determined pursuant
32 to subparagraph (B).

33 (D) Determine an amount for each agency by multiplying the
34 amount determined pursuant to subparagraph (A) by the
35 percentage factor determined pursuant to subparagraph (C).

36 (E) Notify each agency and each legislative body of the amount
37 determined pursuant to subparagraph (D).

38 (F) Notify each county auditor of the amounts determined
39 pursuant to subparagraph (D) for each agency in his or her county.



(b) (1) Notwithstanding Sections 33334.2, 33334.3, and 33334.6, and any other provision of law, in order to make the full allocation required by this section, an agency may borrow up to 50 percent of the amount required to be allocated to the Low- and Moderate-Income Housing Fund pursuant to Sections 33334.2, 33334.3, and 33334.6 during the 1993–94 and 1994–95 fiscal years, unless executed contracts exist that would be impaired if the agency reduced the amount allocated to the Low- and Moderate-Income Housing Fund pursuant to the authority of this section.

(2) As a condition of borrowing pursuant to this subdivision, an agency shall make a finding that there are insufficient other moneys to meet the requirements of subdivision (a). Funds borrowed pursuant to this subdivision shall be repaid in full on or before June 30, 2004, *unless the agency is, on or before June 30, 2003, required by law to make a further payment to an Educational Revenue Augmentation Fund commencing with the 2002–03 fiscal year, in which case the date for repayment of the loan borrowed pursuant to this subdivision shall be delayed by one year for each fiscal year, commencing with the 2002–03 fiscal year, that the agency is required to make this further payment.*

(c) In order to make the allocation required by this section, an agency may use any funds that are legally available and not legally obligated for other uses, including, but not limited to, reserve funds, proceeds of land sales, proceeds of bonds or other indebtedness, lease revenues, interest, and other earned income. No moneys held in a low- and moderate-income fund as of July 1 of that fiscal year may be used for this purpose.

(d) The legislative body shall by March 1 report to the county auditor as to how the agency intends to fund the allocation required by this section.

(e) The allocation obligations imposed by this section, including amounts owed, if any, created under this section, are hereby declared to be an indebtedness of the redevelopment project to which they relate, payable from taxes allocated to the agency pursuant to Section 33670, and shall constitute an indebtedness of the agency with respect to the redevelopment project until paid in full.

(f) It is the intent of the Legislature, in enacting this section, that these allocations directly or indirectly assist in the financing

1 or refinancing, in whole or in part, of the community's
2 redevelopment projects pursuant to Section 16 of Article XVI of
3 the California Constitution.

4 (g) For the purpose of making the determinations required by
5 subdivision (a), the Director of Finance shall use those amounts
6 reported as the "net tax increment to agency" for all agencies and
7 for each agency in Table 6 of the 1990–91 fiscal year Controller's
8 Annual Report on Financial Transactions Concerning Community
9 Redevelopment Agencies of California.

10 (h) In the event that revised reports have been accepted by the
11 Controller on or before January 1, 1994, the Director of Finance
12 shall use appropriate data that has been certified by the Controller
13 for the purpose of making the determinations required by
14 subdivision (a). If this subdivision requires the Director of Finance
15 to revise the determinations for the 1993–94 and 1994–95 fiscal
16 years, the director shall not make those changes for the 1993–94
17 fiscal year, but instead shall apply the revised determinations for
18 both fiscal years to the 1994–95 fiscal year.

19 (i) This section shall be operative only until July 1, 2004. This
20 section shall remain in effect only until January 1, 2005, and as of
21 that date is repealed.

22 *SEC. 41. Section 33681.7 is added to the Health and Safety*
23 *Code, to read:*

24 *33681.7. (a) (1) During each of the 2002–03 and 2003–04*
25 *fiscal years, a redevelopment agency shall, prior to May 10, remit*
26 *an amount equal to the amount determined for that agency*
27 *pursuant to subparagraph (D) of paragraph (2) to the county*
28 *auditor for deposit in the county's Educational Revenue*
29 *Augmentation Fund created pursuant to Article 3 (commencing*
30 *with Section 97) of Chapter 6 of Part 0.5 of Division 1 of the*
31 *Revenue and Taxation Code.*

32 *(2) For each of the 2002–03 and 2003–04 fiscal years, on or*
33 *before October 1, the Director of Finance shall do all of the*
34 *following:*

35 *(A) Determine the net tax increment apportioned to each*
36 *agency pursuant to Section 33670, excluding any amounts*
37 *apportioned to affected taxing agencies pursuant to Section 33401*
38 *or 33676, in the 1999–2000 fiscal year.*

39 *(B) Determine the net tax increment apportioned to all*
40 *agencies pursuant to Section 33670, excluding any amounts*

1 *apportioned to affected taxing agencies pursuant to Section 33401*
2 *or 33676, in the 1999–2000 fiscal year.*

3 *(C) Determine a percentage factor by dividing thirty-seven*
4 *million five hundred thousand dollars (\$37,500,000) by the*
5 *amount determined pursuant to subparagraph (B).*

6 *(D) Determine an amount for each agency by multiplying the*
7 *amount determined pursuant to subparagraph (A) by the*
8 *percentage factor determined pursuant to subparagraph (C).*

9 *(E) Determine the total amount of property tax revenue*
10 *apportioned to each agency pursuant to Section 33670, including*
11 *any amounts apportioned to affected taxing agencies pursuant to*
12 *Section 33401 or 33676, in the 1999–2000 fiscal year.*

13 *(F) Determine the total amount of property tax revenue*
14 *apportioned to all agencies pursuant to Section 33670, including*
15 *any amounts apportioned to affected taxing agencies pursuant to*
16 *Section 33401 or 33676, in the 1999–2000 fiscal year.*

17 *(G) Determine a percentage factor by dividing thirty-seven*
18 *million five hundred thousand dollars (\$37,500,000) by the*
19 *amount determined pursuant to subparagraph (F).*

20 *(H) Determine an amount for each agency by multiplying the*
21 *amount determined pursuant to subparagraph (E) by the*
22 *percentage factor determined pursuant to subparagraph (G).*

23 *(I) Add the amount determined pursuant to subparagraph (D)*
24 *to the amount determined pursuant to subparagraph (H).*

25 *(J) Notify each agency and each legislative body of the amount*
26 *determined pursuant to subparagraph (D).*

27 *(K) Notify each county auditor of the amounts determined*
28 *pursuant to subparagraph (D) for each agency in his or her county.*

29 *(b) (1) Notwithstanding Sections 33334.2, 33334.3, and*
30 *33334.6, and any other provision of law, in order to make the full*
31 *allocation required by this section, an agency may borrow up to 50*
32 *percent of the amount required to be allocated to the Low and*
33 *Moderate Income Housing Fund pursuant to Sections 33334.2,*
34 *33334.3, and 33334.6 during the 2002–03 and 2003–04 fiscal*
35 *years, unless executed contracts exist that would be impaired if the*
36 *agency reduced the amount allocated to the Low and Moderate*
37 *Income Housing Fund pursuant to the authority of this*
38 *subdivision.*

39 *(2) As a condition of borrowing pursuant to this subdivision, an*
40 *agency shall make a finding that there are insufficient other*

1 moneys to meet the requirements of subdivision (a). Funds
2 borrowed pursuant to this subdivision shall be repaid in full within
3 10 years following the date on which moneys were borrowed.

4 (c) In order to make the allocation required by this section, an
5 agency may use any funds that are legally available and not legally
6 obligated for other uses, including, but not limited to, reserve
7 funds, proceeds of land sales, proceeds of bonds or other
8 indebtedness, lease revenues, interest, and other earned income.
9 No moneys held in a low- and moderate-income fund as of July 1
10 of that fiscal year may be used for this purpose.

11 (d) The legislative body shall by March 1 report to the county
12 auditor as to how the agency intends to fund the allocation
13 required by this section.

14 (e) The allocation obligations imposed by this section,
15 including amounts owed, if any, created under this section, are
16 hereby declared to be an indebtedness of the redevelopment project
17 to which they relate, payable from taxes allocated to the agency
18 pursuant to Section 33670, and shall constitute an indebtedness of
19 the agency with respect to the redevelopment project until paid in
20 full.

21 (f) It is the intent of the Legislature, in enacting this section,
22 that these allocations directly or indirectly assist in the financing
23 or refinancing, in whole or in part, of the community's
24 redevelopment projects pursuant to Section 16 of Article XVI of the
25 California Constitution.

26 (g) In making the determinations required by subdivision (a),
27 the Director of Finance shall use those amounts reported as the
28 "Tax Increment Retained by Agency" for all agencies and for each
29 agency in Table 7 of the 1999–2000 fiscal year Controller's State
30 of California Community Redevelopment Agencies Annual
31 Report.

32 (h) If revised reports have been accepted by the Controller on
33 or before January 1, 2003, the Director of Finance shall use
34 appropriate data that has been certified by the Controller for the
35 purpose of making the determinations required by subdivision (a).

36 SEC. 42. Section 33681.8 is added to the Health and Safety
37 Code, to read:

38 33681.8. (a) (1) For the purposes of this section, "existing
39 indebtedness" means one or more of the following obligations
40 incurred by a redevelopment agency prior to the effective date of

1 *this section, the payment of which is to be made in whole or in part,*
2 *directly or indirectly, out of taxes allocated to the agency pursuant*
3 *to Section 33670, and that is required by law or provision of the*
4 *existing indebtedness to be made during the fiscal year of the*
5 *relevant allocation required by Section 33681.7:*

6 (A) *Bonds, notes, interim certificates, debentures, or other*
7 *obligations issued by the agency, whether funded, refunded,*
8 *assumed, or otherwise, pursuant to Article 5 (commencing with*
9 *Section 33640).*

10 (B) *Loans or moneys advanced to the agency, including, but not*
11 *limited to, loans from federal, state, or local agencies, or a private*
12 *entity.*

13 (C) *A contractual obligation that, if breached, could subject*
14 *the agency to damages or other liabilities or remedies.*

15 (D) *An obligation incurred pursuant to Section 33445.*

16 (E) *Indebtedness incurred pursuant to Section 33334.2.*

17 (F) *An amount, to be expended for the operation and*
18 *administration of the agency, that may not exceed 90 percent of the*
19 *amount spent for those purposes in the 2000–01 fiscal year.*

20 (G) *Obligations imposed by law with respect to activities that*
21 *occurred prior to the effective date of the act that adds this section.*

22 (2) *Existing indebtedness incurred prior to the effective date of*
23 *this section may be refinanced, refunded, or restructured after that*
24 *date, and shall remain existing indebtedness for the purposes of*
25 *this section, if the annual debt service during that fiscal year does*
26 *not increase over the prior fiscal year and the refinancing does not*
27 *reduce the ability of the agency to make the payment required by*
28 *subdivision (a) of Section 33681.7.*

29 (3) *For the purposes of this section, indebtedness shall be*
30 *deemed to be incurred prior to the effective date of this section if*
31 *the agency has entered into a binding contract subject to normal*
32 *marketing conditions, to deliver the indebtedness, or if the*
33 *redevelopment agency has received bids for the sale of the*
34 *indebtedness prior to that date and the indebtedness is issued for*
35 *value and evidence thereof is delivered to the initial purchaser no*
36 *later than 30 days after the date of the contract or sale.*

37 (b) *During each of the 2002–03 and 2003–04 fiscal years, an*
38 *agency that has adopted a resolution pursuant to subdivision (c)*
39 *may, pursuant to subdivision (a) of Section 33681.7, allocate to the*
40 *auditor less than the amount required by subdivision (a) of Section*

1 33681.7, if the agency finds that either of the following has
2 occurred:

3 (1) That the difference between the amount allocated to the
4 agency and the amount required by subdivision (a) of Section
5 33681.7 is necessary to make payments on existing indebtedness
6 that are due or required to be committed, set aside, or reserved by
7 the agency during the applicable fiscal year and that are used by
8 the agency for that purpose, and the agency has no other funds that
9 can be used to pay this existing indebtedness, and no other feasible
10 method to reduce or avoid this indebtedness.

11 (2) The agency has no other funds to make the allocation
12 required by subdivision (a) of Section 33681.7.

13 (c) (1) Any agency that, pursuant to subdivision (b), allocates
14 to the auditor less than the amount required by subdivision (a) of
15 Section 33681.7 shall adopt, prior to December 31 of the relevant
16 fiscal year, after a noticed public hearing, a resolution that lists all
17 of the following:

18 (A) Each existing indebtedness incurred prior to the effective
19 date of this section.

20 (B) Each indebtedness on which a payment is required to be
21 made during the relevant fiscal year.

22 (C) The amount of each payment, the time when it is required
23 to be paid, and the total of the payments required to be made during
24 the relevant fiscal year. For indebtedness that bears interest at a
25 variable rate, or for short-term indebtedness that is maturing
26 during the fiscal year and that is expected to be refinanced, the
27 amount of payments during the fiscal year shall be estimated by the
28 agency.

29 (2) The information contained in the resolution required by this
30 subdivision shall be reviewed for accuracy by the chief fiscal
31 officer of the agency.

32 (3) The legislative body shall additionally adopt the resolution
33 required by this section.

34 (d) (1) Any agency that, pursuant to subdivision (b),
35 determines that it will be unable in either the 2002–03 or 2003–04
36 fiscal years, to allocate the full amount required by subdivision (a)
37 of Section 33681.7 shall, subject to paragraph (3), enter into an
38 agreement with the legislative body by February 15 of the relevant
39 fiscal year to fund the payment of the difference between the full

1 amount required to be paid pursuant to subdivision (a) of Section
2 33681.7 and the amount available for allocation by the agency.

3 (2) The obligations imposed by paragraph (1) are hereby
4 declared to be indebtedness incurred by the redevelopment agency
5 to finance a portion of a redevelopment project within the meaning
6 of Section 16 of Article XVI of the California Constitution. This
7 indebtedness shall be payable from tax revenues allocated to the
8 agency pursuant to Section 33670, and any other funds received
9 by the agency. The obligations imposed by paragraph (1) shall
10 remain an indebtedness of the agency to the legislative body until
11 paid in full, or until the agency and the legislative body otherwise
12 agree.

13 (3) The agreement described in paragraph (1) shall be subject
14 to these terms and conditions specified in a written agreement
15 between the legislative body and the agency.

16 (e) If the agency fails, under either Section 33681.7 or
17 subdivision (d), to transmit the full amount of funds required by
18 Section 33681.7, is precluded by court order from transmitting that
19 amount, or is otherwise unable to meet its full obligation pursuant
20 to Section 33681.7, the county auditor, by no later than May 15 of
21 the fiscal year, shall transfer any amount necessary to meet the
22 obligation determined for that agency in subparagraph (D) of
23 paragraph (2) of subdivision (a) of Section 33681.7 from the
24 legislative body's property tax allocation pursuant to Chapter 6
25 (commencing with Section 95) of Part 0.5 of Division 1 of the
26 Revenue and Taxation Code.

27 SEC. 43. Section 12907 is added to the Insurance Code, to
28 read:

29 12907. The following existing positions in the Department of
30 Insurance shall be appointed by the Governor and are exempt from
31 the state civil service system:

32 (a) Chief executive officer.

33 (b) Deputy commissioner for the office of the ombudsman.

34 (c) Career executive assignment IV, in the administration and
35 licensing services division.

36 SEC. 44. Section 62.5 of the Labor Code is amended to read:

37 62.5. (a) The Workers' Compensation Administration
38 Revolving Fund is hereby created as a special account in the State
39 Treasury. Money in the fund may be expended by the department,
40 upon appropriation by the Legislature, for the administration of

1 the workers' compensation program set forth in this division and
2 Division 4 (commencing with Section 3200), other than the
3 activities financed pursuant to Section 3702.5, and ~~shall~~ may not
4 be used for any other purpose, *except as determined by the*
5 *Legislature.*

6 (b) The fund shall consist of assessments made pursuant to this
7 section. Costs of the program shall be shared on a proportional
8 basis between the General Fund and employer assessments. The
9 General Fund appropriation shall account for 80 percent, and
10 employer assessments shall account for 20 percent, of the total
11 costs of the program.

12 (c) Assessments shall be levied by the director upon all
13 employers as defined in Section 3300. The total amount of the
14 assessment shall be allocated between self-insured employers and
15 insured employers in proportion to payroll respectively paid in the
16 most recent year for which payroll information is available. The
17 director shall promulgate reasonable rules and regulations
18 governing the manner of collection of the assessment. The rules
19 shall require the assessment to be paid by self-insurers to be
20 expressed as a percentage of indemnity paid during the most recent
21 year for which information is available, and the assessment to be
22 paid by insured employers to be expressed as a percentage of
23 premium. In no event shall the assessment paid by insured
24 employers be considered a premium for computation of a gross
25 premium tax or agents' commission.

26 *SEC. 45. Section 142 of the Labor Code is amended to read:*

27 142. The Division of Occupational Safety and Health shall
28 enforce all ~~building standards as defined by Section 18909 of the~~
29 ~~Health and Safety Code which relate to occupational safety and~~
30 ~~health as adopted pursuant to this chapter and published pursuant~~
31 ~~to subdivision (c) of Section 18943 of the Health and Safety Code,~~
32 ~~other~~ occupational safety and health standards adopted pursuant to
33 this chapter, and those heretofore adopted by the Industrial
34 Accident Commission or the Industrial Safety Board. General
35 safety orders heretofore adopted by the Industrial Accident
36 Commission or the Industrial Safety Board shall continue to
37 remain in effect, but they may be amended or repealed pursuant to
38 this chapter.

39 *SEC. 46. Section 142.3 of the Labor Code is amended to read:*



142.3. (a) (1) The board, by an affirmative vote of at least four members, may adopt, amend or repeal occupational safety and health standards and orders. The board shall be the only agency in the state authorized to adopt occupational safety and health standards. ~~For the provisions within those standards which are different from the corresponding provisions of a federal standard and which are building standards as defined in Section 18909 of the Health and Safety Code, the board shall comply with the provisions of Section 18930 of the Health and Safety Code and the provisions of subdivision (c) of this section.~~

(2) The board shall adopt standards at least as effective as the federal standards for all issues for which federal standards have been promulgated under Section 6 of the Occupational Safety and Health Act of 1970 (P.L. 91-596) within six months of the promulgation date of the federal standards and which, when applicable to products which are distributed or used in interstate commerce, are required by compelling local conditions and do not unduly burden interstate commerce.

(3) No standard or amendment to any standard adopted by the board that is substantially the same as a federal standard shall be subject to Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. For purposes of this subdivision, “substantially the same” means identical to the federal standard with the exception of editorial and format differences needed to conform to other state laws and standards.

(4) If a federal standard is promulgated and no state standard that is at least as effective as the federal standard is adopted by the board within six months of the date of promulgation of the federal standard, the following provisions shall apply unless adoption of the state standard is imminent:

(A) If there is no existing state standard covering the same issues, the federal standard shall be deemed to be a standard adopted by the board and enforceable by the division pursuant to Section 6317. This standard shall not be subject to Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code.

(B) If a state standard is in effect at the time a federal standard is promulgated covering the same issue or issues, the board may

1 adopt the federal standard, or a portion thereof, as a standard
2 enforceable by the division pursuant to Section 6317; provided,
3 however, if a federal standard or portion thereof is adopted which
4 replaces an existing state standard or portion thereof, the federal
5 standard shall be as effective as the state standard or portion
6 thereof. No adoption of or amendment to any federal standard, or
7 portion thereof shall be subject to Article 5 (commencing with
8 Section 11346) and Article 6 (commencing with Section 11349)
9 of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government
10 Code.

11 (C) Any state standard adopted pursuant to subparagraph (A)
12 or (B) shall become effective at the time the standard is filed with
13 the Secretary of State, unless otherwise provided, but shall not take
14 effect before the effective date of the equivalent federal standard
15 and shall remain in effect for six months unless readopted by the
16 board for an additional six months or superseded by a standard
17 adopted by the board pursuant to paragraph (2) of subdivision (a).

18 (D) Any standard adopted pursuant to subparagraph (A), (B),
19 or (C), shall be published in Title 8 of the California Code of
20 Regulations in a manner similar to any other standards adopted
21 pursuant to paragraphs (1) and (2) of subdivision (a) of this
22 section.

23 (b) The State Building Standards Commission shall ~~approve,~~
24 codify; and publish ~~building in a semiannual supplement to the~~
25 *California Building Standards Code, or in a more frequent*
26 *supplement if required by federal law, all occupational safety and*
27 *health standards that would otherwise meet the definition of a*
28 *building standard described in Section 18909 of the Health and*
29 *Safety Code* adopted by the board in the State Building Standards
30 Code as follows:

31 ~~(1) When the substantive provisions of the building standard~~
32 ~~adopted by the board is identical to a previously adopted or~~
33 ~~amended federal standard promulgated under Section 6 of the~~
34 ~~federal Occupational Safety and Health Act of 1970 (P.L. 91-596);~~
35 ~~which are expressly required to be at least as effective as federal~~
36 ~~standards published in the Federal Register pursuant to Section 6~~
37 ~~of the Occupational Safety and Health Act of 1970 (P.L. 91-596)~~
38 ~~within the time period specified by federal law and as provided in~~
39 ~~subdivision (b) of Section 142.4, and as approved by the~~
40 ~~Occupational Safety and Health Administration of the United~~

~~States Department of Labor as meeting the requirements of subdivision (a), it shall be approved and published by the State Building Standards Commission pursuant to the provisions of this part and shall take precedence over building standards adopted or proposed by other adopting agencies. When these standards are not acted upon by the commission within the time period specified by federal law or in subdivision (b) of Section 142.4, the standards shall be deemed approved, and shall be codified and published in the State Building Standards Code, without further review or delay and without return or rejection by the commission.~~

~~(2) To the extent the board adopts a building standard, with provisions different from the corresponding federal standard, which building standard is required to be at least as effective as a federal standard, an accelerated approval procedure shall be utilized by the State Building Standards Commission. Such differing provisions shall be acted on by the State Building Standards Commission within 30 days and published in the State Building Standards Code within the time constraints required by federal law, and as provided in subdivision (b) of Section 142.4. These differing provisions adopted by the board and approved by the State Building Standards Commission shall take precedence over building standards adopted by other state agencies. In reviewing those standards, the State Building Standards Commission shall limit its review to the criteria of Section 18930 of the Health and Safety Code, as modified by subdivision (c) of this section.~~

~~The board and the State Building Standards Commission shall jointly develop an accelerated procedure to assure adoption and approval of building standards adopted and approved pursuant to this subdivision within the time period specified by federal law.~~

~~(3) When building standards adopted by the board address subjects or issues not mandated by federal law, the board and the State Building Standards Commission shall comply fully with all provisions of the State Building Standards Law, Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, except as otherwise provided in subdivision (c) of this section.~~

~~(c) Except for those standards defined in subdivision (b) of Section 18913 of the Health and Safety Code, all other occupational safety and health standards that are building~~

~~standards as defined in Section 18909 of the Health and Safety Code shall be submitted to the State Building Standards Commission for approval as provided in Section 18930 of the Health and Safety Code and subdivision (b) of this section. Notwithstanding paragraph (7) of subdivision (a) of Section 18930 of the Health and Safety Code, the adoption or refusal to adopt provisions of the model codes as part of occupational safety and health standards by the board are presumed to be appropriate in the interests of employee health and safety. Notwithstanding paragraph (5) of subdivision (a) of Section 18930 of the Health and Safety Code, and recognizing that cost data may not be presented to the board and that the benefits of eliminating safety and health risks are difficult to quantify, all such building standards are presumed to provide a greater benefit than cost in providing occupational health and safety. The presumptions provided in this subdivision are binding upon the State Building Standards Commission unless they are substantially unsupported by the evidence contained in the board's rulemaking file.~~

~~(d) without reimbursement from the board. These occupational safety and health standards may also be published by the Occupational Safety and Health Standards Board in other provisions in Title 8 of the California Code of Regulations prior to publication in the California Building Standards Code if that other publication includes an appropriate identification of occupational safety and health standards contained in the other publication.~~

(c) Any occupational safety or health standard or order promulgated under this section shall prescribe the use of labels or other appropriate forms of warning as are necessary to ensure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions for safe use or exposure. Where appropriate, ~~such~~ *these* standards or orders shall also prescribe suitable protective equipment and control or technological procedures to be used in connection with ~~such~~ *these* hazards and shall provide for monitoring or measuring employee exposure at such locations and intervals and in ~~such~~ *a* manner as may be necessary for the protection of employees. In addition, where appropriate, ~~any such~~ *the* occupational safety or health standard or order shall prescribe the type and frequency of medical examinations or other tests which shall be made available, by the

1 employer or at his cost, to employees exposed to such hazards in
2 order to most effectively determine whether the health of such
3 employee is adversely affected by ~~such~~ *this* exposure.

4 ~~(e)–~~

5 ~~(d)~~ The results of ~~such~~ *these* examinations or tests shall be
6 furnished only to the Division of Occupational Safety and Health,
7 the State Department of Health Services, any other authorized
8 state agency, the employer, the employee, and, at the request of the
9 employee, to his or her physician.

10 *SEC. 47. Section 142.6 of the Labor Code is repealed.*

11 ~~142.6. Notwithstanding any other provision of this code or of~~
12 ~~law and except as provided in the State Building Standards Law,~~
13 ~~Part 2.5 (commencing with Section 18901) of Division 13 of the~~
14 ~~Health and Safety Code, on and after January 1, 1980, the board~~
15 ~~shall not adopt nor publish a building standard as defined in~~
16 ~~Section 18909 of the Health and Safety Code unless the provisions~~
17 ~~of Sections 18930, 18933, 18938, 18940, 18943, 18944, and~~
18 ~~18945 of the Health and Safety Code are expressly excepted in the~~
19 ~~statute under which the authority to adopt rules, regulations, or~~
20 ~~orders is delegated. Any building standard adopted in violation of~~
21 ~~this section shall have no force or effect except to the extent of the~~
22 ~~express requirements of federal law for such specific building~~
23 ~~standard. Except as expressly required by federal law, any building~~
24 ~~standard adopted prior to January 1, 1980, pursuant to this code~~
25 ~~and not expressly excepted by statute from such provisions of the~~
26 ~~State Building Standards Law shall remain in effect only until~~
27 ~~January 1, 1985, or until adopted, amended, or superseded by~~
28 ~~provisions published in the State Building Standards Code,~~
29 ~~whichever occurs sooner.~~

30 *SEC. 48. Section 1777.5 of the Labor Code is amended to*
31 *read:*

32 1777.5. (a) Nothing in this chapter shall prevent the
33 employment of properly registered apprentices upon public
34 works.

35 (b) Every apprentice employed upon public works shall be paid
36 the prevailing rate of per diem wages for apprentices in the trade
37 to which he or she is registered and shall be employed only at the
38 work of the craft or trade to which he or she is registered.

39 (c) Only apprentices, as defined in Section 3077, who are in
40 training under apprenticeship standards that have been approved

1 by the Chief of the Division of Apprenticeship Standards and who
2 are parties to written apprentice agreements under Chapter 4
3 (commencing with Section 3070) of Division 3 are eligible to be
4 employed at the apprentice wage rate on public works. The
5 employment and training of each apprentice shall be in accordance
6 with either ~~(1) the~~ *of the following*:

7 (1) *The* apprenticeship standards and apprentice agreements
8 under which he or she is ~~training or (2) the training~~.

9 (2) *The* rules and regulations of the California Apprenticeship
10 Council.

11 (d) When the contractor to whom the contract is awarded by the
12 state or any political subdivision, in performing any of the work
13 under the contract, employs workers in any apprenticeable craft or
14 trade, the contractor shall employ apprentices in at least the ratio
15 set forth in this section and may apply to any apprenticeship
16 program in the craft or trade that can provide apprentices to the site
17 of the public work for a certificate approving the contractor under
18 the apprenticeship standards for the employment and training of
19 apprentices in the area or industry affected. However, the decision
20 of the apprenticeship program to approve or deny a certificate shall
21 be subject to review by the Administrator of Apprenticeship. The
22 apprenticeship program or programs, upon approving the
23 contractor, shall arrange for the dispatch of apprentices to the
24 contractor. A contractor covered by an apprenticeship program's
25 standards shall not be required to submit any additional application
26 in order to include additional public works contracts under that
27 program. "Apprenticeable craft or trade," as used in this section,
28 means a craft or trade determined as an apprenticeable occupation
29 in accordance with rules and regulations prescribed by the
30 California Apprenticeship Council. As used in this section,
31 "contractor" includes any subcontractor under a contractor who
32 performs any public works not excluded by subdivision (o).

33 (e) Prior to commencing work on a contract for public works,
34 every contractor shall submit contract award information to an
35 applicable apprenticeship program that can supply apprentices to
36 the site of the public work. The information submitted shall
37 include an estimate of journeyman hours to be performed under the
38 contract, the number of apprentices proposed to be employed, and
39 the approximate dates the apprentices would be employed. A copy
40 of this information shall also be submitted to the awarding body

1 if requested by the awarding body. Within 60 days after concluding
2 work on the contract, each contractor and subcontractor shall
3 submit to the awarding body, if requested, and to the
4 apprenticeship program a verified statement of the journeyman
5 and apprentice hours performed on the contract. The information
6 under this subdivision shall be public. The apprenticeship
7 programs shall retain this information for 12 months.

8 (f) The apprenticeship program that can supply apprentices to
9 the area of the site of the public work shall ensure equal
10 employment and affirmative action in apprenticeship for women
11 and minorities.

12 (g) The ratio of work performed by apprentices to journeymen
13 employed in a particular craft or trade on the public work may be
14 no higher than the ratio stipulated in the apprenticeship standards
15 under which the apprenticeship program operates where the
16 contractor agrees to be bound by those standards, but, except as
17 otherwise provided in this section, in no case shall the ratio be less
18 than one hour of apprentice work for every five hours of
19 journeyman work.

20 (h) This ratio of apprentice work to journeyman work shall
21 apply during any day or portion of a day when any journeyman is
22 employed at the jobsite and shall be computed on the basis of the
23 hours worked during the day by journeymen so employed. Any
24 work performed by a journeyman in excess of eight hours per day
25 or 40 hours per week shall not be used to calculate the ratio. The
26 contractor shall employ apprentices for the number of hours
27 computed as above before the end of the contract or, in the case of
28 a subcontractor, before the end of the subcontract. However, the
29 contractor shall endeavor, to the greatest extent possible, to
30 employ apprentices during the same time period that the
31 journeymen in the same craft or trade are employed at the jobsite.
32 Where an hourly apprenticeship ratio is not feasible for a particular
33 craft or trade, the Chief of the Division of Apprenticeship
34 Standards, upon application of an apprenticeship program, may
35 order a minimum ratio of not less than one apprentice for each five
36 journeymen in a craft or trade classification.

37 (i) A contractor covered by this section that has agreed to be
38 covered by an apprenticeship program's standards upon the
39 issuance of the approval certificate, or that has been previously
40 approved for an apprenticeship program in the craft or trade, shall

1 employ the number of apprentices or the ratio of apprentices to
2 journeymen stipulated in the applicable apprenticeship standards,
3 but in no event less than the 1-to-5 ratio required by subdivision
4 (g).

5 (j) Upon proper showing by a contractor that he or she employs
6 apprentices in a particular craft or trade in the state on all of his or
7 her contracts on an annual average of not less than one hour of
8 apprentice work for every five hours of labor performed by
9 journeymen, the Chief of the Division of Apprenticeship
10 Standards may grant a certificate exempting the contractor from
11 the 1-to-5 hourly ratio, as set forth in this section for that craft or
12 trade.

13 (k) An apprenticeship program has the discretion to grant to a
14 participating contractor or contractor association a certificate,
15 which shall be subject to the approval of the Administrator of
16 Apprenticeship, exempting the contractor from the 1-to-5 ratio set
17 forth in this section when it finds that any one of the following
18 conditions is met:

19 (1) Unemployment for the previous three-month period in the
20 area exceeds an average of 15 percent.

21 (2) The number of apprentices in training in the area exceeds
22 a ratio of 1 to 5.

23 (3) There is a showing that the apprenticeable craft or trade is
24 replacing at least one-thirtieth of its journeymen annually through
25 apprenticeship training, either on a statewide basis or on a local
26 basis.

27 (4) Assignment of an apprentice to any work performed under
28 a public works contract would create a condition that would
29 jeopardize his or her life or the life, safety, or property of fellow
30 employees or the public at large, or the specific task to which the
31 apprentice is to be assigned is of a nature that training cannot be
32 provided by a journeyman.

33 (l) When an exemption is granted pursuant to subdivision (k)
34 to an organization that represents contractors in a specific trade
35 from the 1-to-5 ratio on a local or statewide basis, the member
36 contractors will not be required to submit individual applications
37 for approval to local joint apprenticeship committees, if they are
38 already covered by the local apprenticeship standards.

39 (m) (1) A contractor to whom a contract is awarded, who, in
40 performing any of the work under the contract, employs

1 journeymen or apprentices in any apprenticeable craft or trade
2 shall contribute to the California Apprenticeship Council the same
3 amount that the director determines is the prevailing amount of
4 apprenticeship training contributions in the area of the public
5 works site. A contractor may take as a credit for payments to the
6 council any amounts paid by the contractor to an approved
7 apprenticeship program that can supply apprentices to the site of
8 the public works project. The contractor may add the amount of the
9 contributions in computing his or her bid for the contract.

10 (2) At the conclusion of *the 2003–04 fiscal year and each fiscal*
11 *year thereafter*, the California Apprenticeship Council shall
12 distribute training contributions received by the council under this
13 subdivision, less the expenses of the Division of Apprenticeship
14 Standards for administering this subdivision, by making grants to
15 approved apprenticeship programs for the purpose of training
16 apprentices. The funds shall be distributed as follows:

17 (A) If there is an approved multiemployer apprenticeship
18 program serving the same craft or trade and geographic area for
19 which the training contributions were made to the council, a grant
20 to that program shall be made.

21 (B) If there are two or more approved multiemployer
22 apprenticeship programs serving the same craft or trade and
23 geographic area for which the training contributions were made to
24 the council, the grant shall be divided among those programs based
25 on the number of apprentices registered in each program.

26 (C) All training contributions not distributed under
27 subparagraphs (A) and (B) shall be used to defray the future
28 expenses of ~~administering this subdivision~~ *the Division of*
29 *Apprenticeship Standards*.

30 (3) All training contributions received pursuant to this
31 subdivision shall be deposited in the Apprenticeship Training
32 Contribution Fund, which fund is hereby created in the State
33 Treasury. Notwithstanding Section 13340 of the Government
34 Code, all money in the Apprenticeship Training Contribution
35 Fund is hereby continuously appropriated for the purpose of
36 carrying out this subdivision and to pay the expenses of the
37 ~~division in administering this subdivision~~ *Division of*
38 *Apprenticeship Standards*.

39 (n) The body awarding the contract shall cause to be inserted
40 in the contract stipulations to effectuate this section. The

1 stipulations shall fix the responsibility of compliance with this
2 section for all apprenticeable occupations with the prime
3 contractor.

4 (o) This section does not apply to contracts of general
5 contractors or to contracts of specialty contractors not bidding for
6 work through a general or prime contractor when the contracts of
7 general contractors or those specialty contractors involve less than
8 thirty thousand dollars (\$30,000).

9 (p) All decisions of an apprenticeship program under this
10 section are subject to Section 3081.

11 *SEC. 49. Section 830.5 of the Penal Code is amended to read:*

12 830.5. The following persons are peace officers whose
13 authority extends to any place in the state while engaged in the
14 performance of the duties of their respective employment and for
15 the purpose of carrying out the primary function of their
16 employment or as required under Sections 8597, 8598, and 8617
17 of the Government Code. Except as specified in this section, these
18 peace officers may carry firearms only if authorized and under
19 those terms and conditions specified by their employing agency:

20 (a) A parole officer of the Department of Corrections or the
21 Department of the Youth Authority, probation officer, deputy
22 probation officer, or a board coordinating parole agent employed
23 by the Youthful Offender Parole Board. Except as otherwise
24 provided in this subdivision, the authority of these parole or
25 probation officers shall extend only as follows:

26 (1) To conditions of parole or of probation by any person in this
27 state on parole or probation.

28 (2) To the escape of any inmate or ward from a state or local
29 institution.

30 (3) To the transportation of persons on parole or probation.

31 (4) To violations of any penal provisions of law which are
32 discovered while performing the usual or authorized duties of his
33 or her employment.

34 (5) To the rendering of mutual aid to any other law enforcement
35 agency.

36 For the purposes of this subdivision, “parole agent” shall have
37 the same meaning as parole officer of the Department of
38 Corrections or of the Department of the Youth Authority.

39 Any parole officer of the Department of Corrections, the
40 Department of the Youth Authority, or the Youthful Offender

Parole Board is authorized to carry firearms, but only as determined by the director on a case-by-case or unit-by-unit basis and only under those terms and conditions specified by the director or chairperson. The Department of the Youth Authority shall develop a policy for arming peace officers of the Department of the Youth Authority who comprise “high-risk transportation details” or “high-risk escape details” no later than June 30, 1995. This policy shall be implemented no later than December 31, 1995.

The Department of the Youth Authority shall train and arm those peace officers who comprise tactical teams at each facility for use during “high-risk escape details.”

(b) A correctional officer employed by the Department of Corrections or any employee of the Department of the Youth Authority having custody of wards or the Inspector General of the Youth and Adult Correctional Agency or any internal affairs investigator under the authority of the Inspector General or any employee of the Department of Corrections designated by the Director of Corrections or any correctional counselor series employee of the Department of Corrections or any medical technical assistant series employee designated by the Director of Corrections or designated by the Director of Corrections and employed by the State Department of Mental Health to work in the ~~California Medical Facility~~ or employee of the Board of Prison Terms designated by the Secretary of the Youth and Adult Correctional Agency or employee of the Department of the Youth Authority designated by the Director of the Youth Authority or any superintendent, supervisor, or employee having custodial responsibilities in an institution operated by a probation department, or any transportation officer of a probation department.

(c) The following persons may carry a firearm while not on duty: a parole officer of the Department of Corrections or the Department of the Youth Authority, a correctional officer or correctional counselor employed by the Department of Corrections or any employee of the Department of the Youth Authority having custody of wards or any employee of the Department of Corrections designated by the Director of Corrections. A parole officer of the Youthful Offender Parole Board may carry a firearm while not on duty only when so authorized by the chairperson of the board and only under the

1 terms and conditions specified by the chairperson. Nothing in this
2 section shall be interpreted to require licensure pursuant to Section
3 12025. The director or chairperson may deny, suspend, or revoke
4 for good cause a person's right to carry a firearm under this
5 subdivision. That person shall, upon request, receive a hearing, as
6 provided for in the negotiated grievance procedure between the
7 exclusive employee representative and the Department of
8 Corrections, the Department of the Youth Authority, or the
9 Youthful Offender Parole Board, to review the director's or the
10 chairperson's decision.

11 (d) Persons permitted to carry firearms pursuant to this section,
12 either on or off duty, shall meet the training requirements of
13 Section 832 and shall qualify with the firearm at least quarterly. It
14 is the responsibility of the individual officer or designee to
15 maintain his or her eligibility to carry concealable firearms off
16 duty. Failure to maintain quarterly qualifications by an officer or
17 designee with any concealable firearms carried off duty shall
18 constitute good cause to suspend or revoke that person's right to
19 carry firearms off duty.

20 (e) The Department of Corrections shall allow reasonable
21 access to its ranges for officers and designees of either department
22 to qualify to carry concealable firearms off duty. The time spent
23 on the range for purposes of meeting the qualification
24 requirements shall be the person's own time during the person's
25 off-duty hours.

26 (f) The Director of Corrections shall promulgate regulations
27 consistent with this section.

28 (g) "High-risk transportation details" and "high-risk escape
29 details" as used in this section shall be determined by the Director
30 of the Youth Authority, or his or her designee. The director, or his
31 or her designee, shall consider at least the following in determining
32 "high-risk transportation details" and "high-risk escape details":
33 protection of the public, protection of officers, flight risk, and
34 violence potential of the wards.

35 (h) "Transportation detail" as used in this section shall include
36 transportation of wards outside the facility, including, but not
37 limited to, court appearances, medical trips, and interfacility
38 transfers.

39 *SEC. 50. Section 1203.1d of the Penal Code is amended to*
40 *read:*

1203.1d. (a) In determining the amount and manner of disbursement under an order made pursuant to this code requiring a defendant to make reparation or restitution to a victim of a crime, to pay any money as reimbursement for legal assistance provided by the court, to pay any cost of probation or probation investigation, to pay any cost of jail or other confinement, or to pay any other reimbursable costs, the court, after determining the amount of any fine and penalty assessments, and a county financial evaluation officer when making a financial evaluation, shall first determine the amount of restitution to be ordered paid to any victim, and shall then determine the amount of the other reimbursable costs.

If payment is made in full, the payment shall be apportioned and disbursed in the amounts ordered by the court.

If reasonable and compatible with the defendant's financial ability, the court may order payments to be made in installments.

~~With~~

(b) ~~With~~ respect to installment payments and amounts collected by the Franchise Tax Board pursuant to Section 19280 of the Revenue and Taxation Code and subsequently transferred by the Controller pursuant to Section 19282 of the Revenue and Taxation Code, the board of supervisors shall ~~establish the priorities of payment, first between fines, penalty assessments, and reparation or restitution, and then between other reimbursable costs. The provide that disbursements be made in the following order of priority:~~

(1) *Restitution ordered to, or on behalf of, the victim pursuant to subdivision (f) of Section 1202.4.*

(2) *The state surcharge ordered pursuant to Section 1465.7.*

(3) *Any fines, penalty assessments, and restitution fines ordered pursuant to subdivision (b) of Section 1202.4. Payment of each of these items shall be made on a proportional basis to the total amount levied for all of these items.*

(4) *Any other reimbursable costs.*

(c) The board of supervisors ~~may establish~~ shall apply these priorities of ~~payment between~~ disbursement to orders or parts of orders in cases where defendants have been ordered to pay more than one court order.

~~Documentary~~

1 (d) Documentary evidence, such as bills, receipts, repair
2 estimates, insurance payment statements, payroll stubs, business
3 records, and similar documents relevant to the value of the stolen
4 or damaged property, medical expenses, and wages and profits lost
5 shall not be excluded as hearsay evidence.

6 SEC. 51. Section 1465.7 is added to the Penal Code, to read:
7 1465.7. (a) A state surcharge of 20 percent shall be levied on
8 the base fine used to calculate the state penalty assessment as
9 specified in subdivision (a) of Section 1464.

10 (b) This surcharge shall be in addition to the state penalty
11 assessed pursuant to Section 1464 of the Penal Code and may not
12 be included in the base fine used to calculate the state penalty
13 assessment as specified in subdivision (a) of Section 1464.

14 (c) After a determination by the court of the amount due, the
15 clerk of the court shall cause the amount of the state surcharge
16 collected to be transmitted to the General Fund.

17 (d) Notwithstanding Chapter 12 (commencing with Section
18 76000) of Title 8 of the Government Code and subdivision (b) of
19 Section 68090.8 of the Government Code, the full amount of the
20 surcharge shall be transmitted to the State Treasury to be deposited
21 in the General Fund. Of the amount collected from the total
22 amount of the fines, penalties, and surcharges imposed, the
23 amount of the surcharge established by this section shall be
24 transmitted to the State Treasury to be deposited in the General
25 Fund.

26 (e) When any deposited bail is made for an offense to which this
27 section applies, and for which a court appearance is not
28 mandatory, the person making the deposit shall also deposit a
29 sufficient amount to include the surcharge prescribed by this
30 section.

31 (f) When amounts owed by an offender as a result of a
32 conviction are paid in installment payments, payments shall be
33 credited pursuant to Section 1203.1d. The amount of the surcharge
34 established by this section shall be transmitted to the State
35 Treasury prior to the county retaining or disbursing the remaining
36 amount of the fines, penalties, and forfeitures imposed.

37 (g) This section shall become inoperative on July 1, 2007, and
38 as of January 1, 2008, is repealed, unless a later enacted statute,
39 that becomes operative on or before January 1, 2008, deletes or
40 extends that date.

SEC. 52. *Section 2933.3 is added to the Penal Code, to read:*
 2933.3. *Notwithstanding any other provision of law, any inmate assigned to a conservation camp by the Department of Corrections who is eligible to earn one day of worktime credit for every one day of service pursuant to Section 2933 shall instead earn two days of worktime credit for every one day of service. This enhanced worktime credit shall only apply to service performed after the effective date of this section.*

SEC. 53. *Section 6045.8 of the Penal Code is amended to read:*

6045.8. The Board of Corrections, in consultation with the State Department of Mental Health and the State Department of Alcohol and Drug Programs, shall create an evaluation design for mentally ill offender crime reduction grants that will assess the effectiveness of the program in reducing crime, the number of early releases due to jail overcrowding, and local criminal justice costs. Commencing on June 30, 2000, and annually thereafter, the board shall submit a report to the Legislature based on the evaluation design, with *an interim report due on March 1, 2003, and a final report due on December 31, 2004.*

SEC. 54. *Section 13601 of the Penal Code is amended to read:*

13601. (a) The CPOST shall develop, approve, and monitor standards for the selection and training of state correctional peace officer apprentices. Any standard for selection established under this subdivision shall be subject to approval by the State Personnel Board. Using the psychological and screening standards established by the State Personnel Board, the State Personnel Board *or the Department of the Youth Authority* shall ensure that, prior to training, each applicant who has otherwise qualified in all physical and other testing requirements to be a peace officer in either a youth or adult correctional facility, is determined to be free from emotional or mental conditions that might adversely affect the exercise of his or her duties and powers as a peace officer.

(b) The CPOST may approve standards for a course in the carrying and use of firearms for correctional peace officers that is different from that prescribed pursuant to Section 832. The standards shall take into consideration the different circumstances presented within the institutional setting from that presented to other law enforcement agencies outside the correctional setting.

(c) Notwithstanding Section 3078 of the Labor Code, the length of the probationary period for correctional peace officer apprentices shall be determined by the CPOST subject to approval by the State Personnel Board, pursuant to Section 19170 of the Government Code.

(d) The CPOST shall develop, approve, and monitor standards for advanced rank-and-file and supervisory state correctional peace officer and training programs. When a correctional peace officer is promoted, he or she shall be provided with and be required to complete these secondary training experiences.

(e) The CPOST shall develop, approve, and monitor standards for the training of state correctional peace officers in the handling of stress associated with their duties.

(f) Toward the accomplishment of the objectives of this act, the CPOST may confer with, and may avail itself of the assistance and recommendations of, other state and local agencies, boards, or commissions.

(g) Notwithstanding the authority of the CPOST, the departments shall design and deliver training programs, shall conduct validation studies, and shall provide program support. The CPOST shall monitor program compliance by the departments.

(h) The CPOST may disapprove any training courses created by the departments pursuant to the standards developed by the commission if it determines that the courses do not meet the prescribed standards.

(i) The CPOST shall annually submit an estimate of costs to conduct those inquiries and audits as may be necessary to determine whether the departments and each of their institutions and parole regions are adhering to the standards developed by CPOST, and shall conduct such inquiries and audits consistent with the annual Budget Act.

(j) The CPOST shall establish and implement procedures for reviewing and issuing decisions concerning complaints or recommendations from interested parties regarding CPOST rules, regulations, standards, or decisions.

SEC. 55. Section 5627 of the Public Resources Code is amended to read:

5627. (a) Grant moneys received pursuant to this chapter shall be expended for high priority projects that satisfy the most

1 urgent park and recreation needs, with emphasis on unmet needs
2 in the most heavily populated and most economically
3 disadvantaged areas within each jurisdiction.

4 (b) Grants received pursuant to this chapter shall be expended
5 only for acquisition, development, or both, except that not more
6 than 30 percent of the amount received by a city, county, or district
7 in an annual period may be utilized for special major maintenance
8 projects, provided the projects are related to land acquired or
9 developed, or both, in whole or in part, with state moneys under
10 this chapter, or for innovative recreation programs, or for both.

11 (c) Grants to cities, counties, and districts pursuant to this
12 chapter shall be on the basis of 70 percent state money and 30
13 percent local matching money, not less than one-third of which
14 shall be from private or nonstate sources of funds, for the project.
15 Grants for acquisition shall be matched only by money or property
16 donated to be part of the acquisition project. Grants for
17 development may be matched by monetary contributions or, if
18 nonmonetary contributions, as provided in regulations and
19 standards which shall be established by the director after a public
20 hearing. The component of local matching money consisting of
21 funds from private or nonstate sources may, at the option of the
22 grant recipient, be calculated as a percentage of the total amount
23 granted in that fiscal year to a grant recipient, rather than on a
24 project-by-project basis.

25 (d) The component of local matching money from private or
26 nonstate sources required by subdivision (c) may be in the form of
27 and include, but is not limited to, the following: cash donations,
28 gifts of real property, equipment, and consumable supplies,
29 volunteer services, free or reduced-cost use of lands, facilities, or
30 equipment, and bequests and earnings from wills, estates, and
31 trusts. Funds from nonstate sources that qualify for the purposes
32 of subdivision (c) are funds from the federal government and local
33 public agencies other than the grant recipient. Real property, cash,
34 or other assets required to be transferred to a public agency
35 pursuant to Section 66477 of the Government Code or any other
36 provision of law shall not qualify as funds from a private or
37 nonstate source; however, they shall qualify as the monetary or
38 nonmonetary contribution required to be furnished by the grant
39 recipient pursuant to subdivision (c).

(e) The grant recipient shall certify to the department that there is available, or will become available prior to the encumbrance of any state funds for any work on the project for which application for a grant has been made, matching money from private or nonstate sources. Certification of the source and amount of nonstate funds shall be set forth in the application for a grant submitted to the department. However, in recognition of the fact that raising private funds frequently requires an initial evidence of matching public funds, the certification of the source and amount of the private funds shall be made by the applicant at least 30 days prior to actual release of state funds.

(f) Local matching money shall not be required with respect to an applicant that has urgent unmet needs for recreational lands *or facilities*, and lacks the financial resources to acquire *or develop* recreational lands *or facilities*, as determined pursuant to a formula set forth in regulations adopted by the director after a public hearing. In addition, with respect to applications for grants submitted for areas where private financial resources are of limited availability or submitted for projects or programs that are not of a type likely to attract private funds, the director shall, if the project conforms to regulations adopted by the department, waive the requirement that at least one-third of local matching money be from private sources. The regulations shall establish criteria and procedures for the waiver ~~and shall be adopted, after one or more public hearings, on or before March 1, 1986.~~ These criteria may provide for consideration of the average per capita income, unemployment rate, crime rate, and recent history of plant or business closures in the area of the applicant's jurisdiction where the grant will be expended.

SEC. 56. *Section 35033.5 is added to the Public Resources Code, to read:*

35033.5. (a) *Notwithstanding Section 35033 or any other provision of law, funds received by the state pursuant to Section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. Sec. 1337(g)) in an amount greater than the amount of the funds received in the 1996 calendar year from that source may not be allocated to or by the secretary for grants to coastal counties and cities pursuant to this chapter for the fiscal year 2002–03.*

1 ***(b) This section shall remain in effect only until January 1,***
2 ***2004, and as of that date is repealed, unless a later enacted statute,***
3 ***that is enacted before January 1, 2004, deletes or extends that date.***

4 ***SEC. 57. Section 309.5 of the Public Utilities Code is***
5 ***amended to read:***

6 309.5. (a) There is within the commission a division to
7 represent the interests of public utility customers and subscribers
8 within the jurisdiction of the commission. The goal of the division
9 shall be to obtain the lowest possible rate for service consistent
10 with reliable and safe service levels. The amendments made to this
11 section during the 2001 portion of the 2001–02 Regular Session
12 are not intended to expand the representation and responsibilities
13 of the division.

14 (b) The director of the division shall be appointed by and serve
15 at the pleasure of the Governor, subject to confirmation by the
16 Senate. The director shall annually appear before the appropriate
17 policy committees of the Assembly and the Senate to report on the
18 activities of the division.

19 (c) The commission shall, by rule or order, provide for the
20 assignment of personnel to, and the functioning of, the division.
21 The division may employ experts necessary to carry out its
22 functions. Personnel and resources shall be provided to the
23 division at a level sufficient to ensure that customer and subscriber
24 interests are fairly represented in all significant proceedings.

25 (d) The commission shall develop appropriate procedures to
26 ensure that the existence of the division does not create a conflict
27 of roles for any employee or his or her representative. The
28 procedures shall include, but shall not be limited to, the
29 development of a code of conduct and procedures for ensuring that
30 advocates and their representatives on a particular case or
31 proceeding are not advising decisionmakers on the same case or
32 proceeding.

33 (e) The division may compel the production or disclosure of
34 any information it deems necessary to perform its duties from
35 entities regulated by the commission provided that any objections
36 to any request for information shall be decided in writing by the
37 assigned commissioner or by the president of the commission if
38 there is no assigned commissioner.

39 (f) There is hereby created the Public Utilities Commission
40 Ratepayer Advocate Account in the General Fund. Moneys from

1 the Public Utilities Commission Utilities Reimbursement Account
2 in the General Fund shall be transferred in the annual Budget Act
3 to the Public Utilities Commission Ratepayer Advocate Account.
4 The funds in the Public Utilities Commission Ratepayer Advocate
5 Account shall be utilized exclusively by the division in the
6 performance of its duties. ~~The annual budget for the division shall~~
7 ~~be separately identified in the commission's annual budget~~
8 ~~request.~~ The commission shall annually submit a staffing report
9 containing a comparison of the staffing levels for each five-year
10 period.

11 (g) *On or before January 10 of each year, the commission shall*
12 *provide to the chairperson of the fiscal committee of each house of*
13 *the Legislature and to the Joint Legislative Budget Committee all*
14 *of the following information:*

15 (1) *The number of personnel years assigned to the Office of*
16 *Ratepayer Advocates.*

17 (2) *The total dollars expended by the Office of Ratepayer*
18 *Advocates in the prior year, the estimated total dollars expended*
19 *in the current year, and the total dollars proposed for*
20 *appropriation in the following budget year.*

21 (3) *Workload standards and measures for the Office of*
22 *Ratepayer Advocates.*

23 (h) The division shall agree to meet and confer in an informal
24 setting with a regulated entity prior to issuing a report or pleading
25 to the commission regarding alleged misconduct, or a violation of
26 a law or a commission rule or order, raised by the division in a
27 complaint. The meet and confer process shall be utilized as an
28 informal means of attempting to reach resolution or consensus on
29 issues raised by the division regarding any regulated entity in ~~such~~
30 ~~a~~ the complaint proceeding.

31 SEC. 58. Section 384.1 is added to the Public Utilities Code,
32 to read:

33 384.1. *Notwithstanding any other provision of law, the income*
34 *from surplus money investments in the Public Interest Research,*
35 *Development, and Demonstration Fund may be transferred to the*
36 *General Fund, for appropriation by the Legislature.*

37 SEC. 59. Section 445.2 is added to the Public Utilities Code,
38 to read:

39 445.2. *Notwithstanding any other provision of law, the income*
40 *from surplus money investments in the Renewable Resources Trust*

1 *Fund may be transferred, for appropriation by the Legislature to*
2 *the General Fund.*

3 *SEC. 60. Section 445.3 is added to the Public Utilities Code,*
4 *to read:*

5 *445.3. (a) Notwithstanding any other provision of law,*
6 *money deposited in the Renewable Resource Trust Fund may be*
7 *expended, upon appropriation by the Legislature, for loans to the*
8 *California Consumer Power and Conservation Financing*
9 *Authority Fund, for the following:*

10 *(1) As needed to repay the General Fund for startup loans*
11 *provided in the 2001–02 fiscal year pursuant to Item*
12 *8665-011-0001 of Section 2.00 of the Budget Act of 2001 (Ch. 106,*
13 *Stats. 2001).*

14 *(2) To finance expenditures authorized in the Budget Act of*
15 *2002, for energy acquisition, planning and policy development,*
16 *administration, and distributed administration to conduct*
17 *activities pursuant to Chapter 10 of the Statutes of 2001 of the First*
18 *Extraordinary Session.*

19 *(b) Loans made pursuant to subdivision (a) shall be repaid with*
20 *interest calculated at the rate earned by the Pooled Money*
21 *Investment Account at the time of the transfer, and shall be repaid*
22 *from revenues deposited pursuant to Chapter 10 of the Statutes of*
23 *2001 of the First Extraordinary Session in the California*
24 *Consumer Power and Conservation Financing Authority Fund.*
25 *The California Consumer Power and Conservation Financing*
26 *Authority shall repay at least one million dollars (\$1,000,000) of*
27 *the amount loaned pursuant to this section by June 30, 2003. All*
28 *remaining loan amounts shall be repaid by June 30, 2004. In the*
29 *event that any amount loaned pursuant to this section remains*
30 *outstanding on July 1, 2004, the outstanding loan amount shall be*
31 *converted to a loan from the Energy Resources Programs Account*
32 *in the General Fund, and the outstanding balance with accrued*
33 *interest shall be transferred from the Energy Resources Programs*
34 *Account to the Renewable Resources Trust Fund.*

35 *SEC. 61. Section 3340 of the Public Utilities Code is amended*
36 *to read:*

37 *3340. The authority is authorized and empowered to do any*
38 *of the following:*

39 *(a) Adopt an official seal.*

40 *(b) Sue and be sued in its own name.*

1 (c) Employ or contract with officers and employees to
2 administer the authority. The authority may contract for the
3 services of a chief executive officer, who shall serve at the pleasure
4 of the board. ~~The chief executive officer, subject to the approval~~
5 ~~of the board, may contract for the services of other persons as are~~
6 ~~needed to effectuate the purposes of this division. These contracts~~
7 ~~shall not be subject to any otherwise applicable provisions of the~~
8 ~~Government Code and the Public Contract Code. If the chief~~
9 ~~executive officer contracts for the services of any other officer or~~
10 ~~employee, the contract shall be subject to the approval of the~~
11 ~~board.~~

12 (d) Exercise the power of eminent domain.

13 (e) Adopt rules and regulations for the regulation of its affairs
14 and the conduct of its business.

15 (f) Do all things generally necessary or convenient to carry
16 out its powers under, and the purposes of, this division.

17 *SEC. 62. Section 7236 of the Revenue and Taxation Code is*
18 *amended to read:*

19 7236. (a) All funds collected by the Department of Motor
20 Vehicles pursuant to Section 7232 shall be deposited in the State
21 Treasury to the credit of the Motor ~~Carriers Permit Vehicle~~
22 ~~Account of the State Transportation Fund, which is hereby created.~~
23 The following fees shall be paid to the department:

24 (1) For-hire motor carriers of property shall pay, according to
25 the following schedule, fees indicated as safety fee and uniform
26 business license tax fee, based on the size of their motor vehicle
27 fleet.

28 (2) Private carriers of property with a fleet size of 10 or less
29 motor vehicles shall pay a fee of thirty-five dollars (\$35). Private
30 carriers of property with a fleet size of 11 or more motor vehicles
31 shall pay, according to the following schedule, fees indicated as
32 safety fee, based on the size of their motor vehicle fleet. Any
33 carrier that does not pay a uniform business license tax fee shall not
34 operate as a for-hire motor carrier.

35 (3) A seasonal permit may be issued to a motor carrier of
36 property upon payment of fees indicated as safety fee and
37 one-twelfth of the fee indicated as uniform business license tax fee,
38 rounded to the next dollar, for each month the permit is valid. The
39 original seasonal permit shall be valid for a period of not less than
40 six months, and may be renewed upon payment of a five dollar (\$5)

fee, and one-twelfth of the fee indicated as a uniform business license tax fee for each additional month of operation.

Fleet Size—Commercial		Uniform Business
Motor Vehicles Fee	Safety Fee	License Tax
1	\$60	\$60
2–4	\$75	\$125
5–10	\$200	\$275
11–20	\$240	\$470
21–35	\$325	\$650
36–50	\$430	\$880
51–100	\$535	\$1,075
101–200	\$635	\$1,300
201–500	\$730	\$1,510
501–1,000	\$830	\$1,715
1,001–2,000	\$930	\$1,900
2,001–over	\$1,030	\$2,000

Notwithstanding the above fee schedule, motor carriers of property with 10 or fewer trucks shall not pay fees higher than they would have paid under the fee structure in place as of January 1, 1996. Notwithstanding Section 34606 of the Vehicle Code, fees for these carriers shall not be subject to increase by the Department of Motor Vehicles.

(b) The Department of Motor Vehicles shall transfer funds deposited in the Motor ~~Carriers-Permit~~ *Vehicle Account of the State Transportation Fund* as follows:

(1) Funds derived from Uniform Business License Tax Fees shall be transferred to the General Fund.

(2) Funds derived from Safety Fees shall remain in the Motor ~~Carriers-Permit~~ *Vehicle Account of the State Transportation Fund* and shall be available for appropriation by the Legislature to cover costs incurred by the Department of Motor Vehicles and the Department of the California Highway Patrol in regulating motor carriers of property pursuant to Division 14.85 (commencing with Section 34600) of the Vehicle Code.

(c) It is the intent of the Legislature that the fee schedule established in subdivision (a) shall not discriminate against small fleet or individual vehicle operators or result in a disproportionate

1 share of those fees being assigned to small fleet or individual
2 vehicle operators.

3 *SEC. 63. Section 13563 of the Revenue and Taxation Code is*
4 *amended to read:*

5 13563. ~~Interest~~ (a) *For purposes of determining interest on*
6 *overpayments for periods beginning before July 1, 2002, interest*
7 *shall be allowed and paid upon any overpayment of tax due under*
8 *this part in the same manner as provided in Sections 6621(a)(1)*
9 *and 6622 of the Internal Revenue Code.*

10 (b) *For purposes of determining interest on overpayments for*
11 *periods beginning on or after July 1, 2002, interest shall be*
12 *allowed and paid upon any overpayment of tax due under this part*
13 *at the lesser of the following:*

14 (1) *Five percent.*

15 (2) *The bond equivalent rate of 13-week United States Treasury*
16 *bills, determined as follows:*

17 (A) *The bond equivalent rate of 13-week United States*
18 *Treasury bills established at the first auction held during the month*
19 *of January shall be utilized for determining the appropriate rate*
20 *for the following July 1 to December 31, inclusive.*

21 (B) *The bond equivalent rate of 13-week United States*
22 *Treasury bills established at the first auction held during the month*
23 *of July shall be utilized for determining the appropriate rate for the*
24 *following January 1 to June 30, inclusive.*

25 (c) *For purposes of subdivision (b), in computing the amount*
26 *of any interest required to be paid by the state, that interest shall*
27 *be computed as simple interest, not compound interest.*

28 *SEC. 64. Section 19521 of the Revenue and Taxation Code is*
29 *amended to read:*

30 19521. (a) *The rate established under this section (referred to*
31 *in other code sections as “the adjusted annual rate”) shall be*
32 *determined in accordance with Section 6621 of the Internal*
33 *Revenue Code, except that:*

34 (1) ~~The~~ (A) *For taxpayers other than corporations, the*
35 *overpayment rate specified in Section 6621(a)(1) of the Internal*
36 *Revenue Code shall be modified to be equal to the underpayment*
37 *rate determined under Section 6621(a)(2) of the Internal Revenue*
38 ~~Code; and Code.~~

39 (B) *In the case of any corporation, for purposes of determining*
40 *interest on overpayments for periods beginning before July 1,*

2002, the overpayment rate specified in Section 6621(a)(1) of the Internal Revenue Code shall be modified to be equal to the underpayment rate determined under Section 6621(a)(2) of the Internal Revenue Code.

(C) In the case of any corporation, for purposes of determining interest on overpayments for periods beginning on or after July 1, 2002, the overpayment rate specified in Section 6621(a)(1) of the Internal Revenue Code shall be modified to be the lesser of 5 percent or the bond equivalent rate of 13-week United States Treasury bills, determined as follows:

(i) The bond equivalent rate of 13-week United States Treasury bills established at the first auction held during the month of January shall be utilized in determining the appropriate rate for the following July 1 to December 31, inclusive.

(ii) The bond equivalent rate of 13-week United States Treasury bills established at the first auction held during the month of July shall be utilized in determining the appropriate rate for the following January 1 to June 30, inclusive.

(2) The determination specified in Section 6621(b) of the Internal Revenue Code shall be modified to be determined semiannually as follows:

(A) The rate for January shall apply during the following July through December, and

(B) The rate for July shall apply during the following January through June.

(b) (1) For purposes of this part, Part 10 (commencing with Section 17001), Part 11 (commencing with Section 23001), and any other provision of law referencing this method of computation, in computing the amount of any interest required to be paid by the state or by the taxpayer, or any other amount determined by reference to that amount of interest, that interest and that amount shall be compounded daily.

(2) Paragraph (1) shall not apply for purposes of computing the amount of any addition to tax under Section 19136 or 19142.

(c) Section 6621(c) of the Internal Revenue Code, relating to increase in underpayment rate for large corporate underpayments, is modified as follows:

(1) The applicable date shall be the 30th day after the earlier of either of the following:

1 (A) The date on which the proposed deficiency assessment is
2 issued.

3 (B) The date on which the notice and demand is sent.

4 (2) This subdivision shall apply for purposes of determining
5 interest for periods after December 31, 1991.

6 (3) Section 6621(c)(2)(B)(iii) of the Internal Revenue Code
7 shall apply for purposes of determining interest for periods after
8 December 31, 1998.

9 *SEC. 65. Section 30018 is added to the Revenue and Taxation*
10 *Code, to read:*

11 *30018. (a) "Stamps and meter impressions" means the*
12 *indicia of payment of tax, as required by Section 30161, and*
13 *include, but are not limited to, stamps, meter impressions, or any*
14 *other indicia developed using current technology.*

15 *(b) The board shall prescribe and approve the types of stamps*
16 *and meter impressions, and the methods of applying stamps and*
17 *meter impressions to packages of cigarettes.*

18 *SEC. 67. Article 4.8 (commencing with Section 179) of*
19 *Chapter 1 of Division 1 of the Streets and Highways Code is*
20 *repealed.*

21 *SEC. 68. Article 4.8 (commencing with Section 179) is added*
22 *to Chapter 1 of Division 1 of the Streets and Highways Code, to*
23 *read:*

24
25 *Article 4.8. Local Bridge Seismic Safety Retrofit*
26

27 *179. Effective June 30, 2002, all funds in the Seismic Safety*
28 *Retrofit Account in the State Transportation Fund are transferred*
29 *to the State Highway Account in the State Transportation Fund.*
30 *Any outstanding encumbrances as of June 30, 2002, in the Seismic*
31 *Safety Retrofit Account shall be paid from the State Highway*
32 *Account.*

33 *179.1. The department may administer projects for local*
34 *bridge seismic safety retrofits consistent with the requirements of*
35 *Chapter 9 (commencing with Section 2400) of Division 3.*

36 *179.2. The department may allocate State Highway Account*
37 *funds in lieu of the local matching requirements of subdivision (b)*
38 *of Section 2413 to the extent funding for this purpose is included*
39 *in the annual Budget Act.*

40 *179.3. For purposes of this article:*

1 (a) “Bridge” includes a publicly owned pedestrian bridge and
2 a publicly owned rail transit bridge.

3 (b) “Retrofit” includes both the structural modification of an
4 existing bridge and the replacement of an existing bridge by a
5 newly constructed bridge meeting seismic safety requirements.

6 SEC. 69. Section 188.10 of the Streets and Highways Code, as
7 added by Section 4 of Chapter 327 of the Statutes of 1997, is
8 amended to read:

9 188.10. (a) The Toll Bridge Seismic Retrofit Account is
10 hereby created in the State Transportation Fund. The money in the
11 account is hereby appropriated, without regard to fiscal years, to
12 the department for the purpose of funding seismic retrofit or
13 replacement of the bridges listed in Section 188.5.
14 Notwithstanding Section 11012 of the Government Code, the
15 department, in consultation with the Department of Finance and
16 the Office of the State Treasurer, may authorize the investment of
17 bond proceeds or commercial paper proceeds deposited into the
18 account in obligations permitted by the Treasurer. Those invested
19 amounts may be held by a trustee who is either the Treasurer or
20 who is selected by the Treasurer. Authorized investments made
21 pursuant to this section shall be included as cash balance for
22 purposes of reporting the condition of the account in the
23 Governor’s proposed budget or pursuant to the reporting
24 requirement contained in subdivision (b) of Section 14556.9 of the
25 Government Code.

26 (b) The Department of Finance shall provide notification to the
27 Joint Legislative Budget Committee and to the transportation
28 policy committee in each house in the form of a financing plan or
29 pro forma at least 60 days prior to the initial issuance of any
30 commercial paper or the issuance of any bonds for purposes of the
31 toll bridge seismic retrofit program. The financing plan or pro
32 forma shall include all of the following components:

33 (1) The amount and form of the debt issuance or issuances, the
34 term of the issuance or issuances, repayment and security
35 provisions, the amount and structure of any reserve funds, and all
36 other details of the proposed financing.

37 (2) All necessary information with respect to the sources and
38 uses of funds to construct the projects identified in the toll bridge
39 seismic retrofit program and the timing of expenditures by each
40 fund source by fiscal year.

1 (3) *An assessment of funding available for the Bay Area Toll*
2 *Authority for authorized projects as a result of the financing.*

3 (c) *No interest income earned as a result of investments made*
4 *pursuant to subdivision (a), or from reserve funds created to*
5 *support the financing, shall be used to pay project costs that are*
6 *in excess of four billion six hundred thirty-seven million dollars*
7 *(\$4,637,000,000). No reserve funds, other than a required debt*
8 *service reserve fund, shall be in place subsequent to the completion*
9 *of the seismic retrofit projects.*

10 (d) *Notwithstanding any other provision of law, the*
11 *Department of Finance may establish the accounting and*
12 *reporting system used to determine the expenditures, cash needs,*
13 *and balance of the account.*

14 SEC. 70. *Section 2401 of the Streets and Highways Code is*
15 *amended to read:*

16 2401. By the Federal-Aid Highway Act of 1970, Congress has
17 enacted Section 144 of Title 23 of the United States Code, and has
18 authorized appropriations thereby for expenditures under the
19 Special Bridge Replacement Program to replace or reconstruct
20 bridges when the state and the federal government determine that
21 the bridge is of significant importance and is unsafe because of
22 structural deficiencies, *including seismic deficiencies, or physical*
23 *deterioration, or functional obsolescence.* The purpose of this
24 chapter is to implement this program in this state. The boards of
25 supervisors, city councils, the department, and the commission
26 may do all things necessary and proper in their respective
27 jurisdictions to secure the federal funds under the program for
28 county highways, city streets, and state highways in accordance
29 with the intent of the federal act and this chapter.

30 SEC. 71. *Section 31071 of the Streets and Highways Code is*
31 *amended to read:*

32 31071. (a) The department may enter into financing
33 agreements with the bank for the purpose of borrowing funds to
34 finance or refinance the seismic retrofit project costs identified in
35 paragraph (4) of subdivision (a) of Section 188.5. The bank may
36 issue bonds for this purpose, pursuant to the authority granted to
37 it under Chapter 5 (commencing with Section 63070) of Chapter
38 2 of Division 1 of Title 6.7 of the Government Code, and deposit
39 the proceeds from the bonds into the account. The amount of
40 borrowing may be increased to fund necessary reserves,

capitalized interest, interim bonds, including, but not limited to, commercial paper, costs of issuance, and administrative, financial legal and incidental services related to the bonds. The department shall pursue the most cost-effective and efficient financing plan for the bridge work identified in paragraph (4) of subdivision (a) of Section 188.5.

(b) To the extent provided in the governing documents, each of the bonds issued under this section shall be payable from, and secured by, all or a portion of the toll surcharge revenue in the account and the assets in that account.

(c) Prior to the issuance of bonds payable from the toll surcharge, the bank shall confirm that bonds issued under Chapter 4.3 (commencing with Section 30950) shall not be impaired solely by action taken under this section, as evidenced by confirmation of the then existing ratings on these bonds, by the rating agencies then rating the bonds.

(d) *The department shall transmit the final finance plan to the fiscal and policy committees of the Legislature that consider transportation issues.*

SEC. 72. *Section 1656 of the Vehicle Code is amended to read:*

1656. (a) The department shall publish the complete text of the California Vehicle Code together with other laws relating to the use of highways or the operation of motor vehicles ~~at least once every two years and may republish the code and laws and distribute the same as may be deemed advisable without charge.~~ *The department, upon written request of any state or local governmental officer or agency, or of any federal agency, shall sell and, or any other person, shall distribute the California Vehicle Code to all other persons at a charge sufficient to pay the entire actual cost of publishing and distributing the code, except the charge shall not exceed three dollars (\$3). With regard to public secondary schools, the quantities shall be sufficient to provide one copy for each driver training and education instructor and one copy for each public secondary school library. In determining the amount of the charge, a fraction of a dollar shall be disregarded, unless it exceeds fifty cents (\$0.50), in which case*

1 it shall be treated as one full dollar (\$1). The receipts from the sale
2 of such publications shall be deposited in the Motor Vehicle
3 Account, *with the intent to reimburse the department for the entire*
4 *cost to print and distribute the Vehicle Code.*

5 (b) The department shall publish a synopsis or summary of the
6 laws regulating the operation of vehicles and the use of the
7 highways and may deliver a copy thereof without charge with each
8 original vehicle registration and with each original driver's
9 license. The department shall publish such number of copies of the
10 synopsis or summary in the Spanish language as the director
11 determines are needed to meet the demand for such copies. The
12 department shall furnish both English and Spanish copies to its
13 field offices and to law enforcement agencies for general
14 distribution and, when it does so, shall furnish the copies without
15 charge.

16 *SEC. 73. Section 1661 of the Vehicle Code is amended to read:*

17 1661. (a) ~~The~~ *Except for vehicles registered pursuant to*
18 *Article V, (commencing with Section 9700) of Division 3, the*
19 department shall notify the registered owner of each vehicle of the
20 date that the registration renewal fee of the vehicle is due, at least
21 60 days prior to that due date. *The fact that the required notice was*
22 *mailed shall be indicated by a notation in the department's records.*

23 (b) The department shall include in any final notice of
24 delinquent registration provided to the registered owner of a
25 vehicle whose registration has not been properly renewed as
26 required under this code, information relating to the potential
27 removal and impoundment of that vehicle under subdivision (o) of
28 Section 22651.

29 *SEC. 74. Section 1810 of the Vehicle Code is amended to read:*

30 1810. (a) Except as provided in Sections 1806.5, 1808.2,
31 1808.4, 1808.5, 1808.7, 1808.8, and paragraph (2) of subdivision
32 (a) of Section 12800.5, the department may permit inspection of,
33 or sell, or both, information from its records concerning the
34 registration of any vehicle or information from the files of drivers'
35 licenses at a charge sufficient to pay *at least* the actual cost to the
36 department for providing the inspection or sale of the information,
37 including, but not limited to, costs incurred by the department in
38 carrying out subdivision (b), with the charge for the information
39 to be determined by the director. This section does not apply to

1 statistical information of the type previously compiled and
2 distributed by the department.

3 (b) (1) With respect to the inspection or sale of information
4 concerning the registration of any vehicle or of information from
5 the files of drivers' licenses, the department shall, by regulation,
6 establish administrative procedures under which any person
7 making a request for that information shall be required to identify
8 himself or herself and state the reason for making the request. The
9 procedures shall provide for the verification of the name and
10 address of the person making a request for the information, and the
11 department may require the person to produce that information as
12 it determines is necessary to ensure that the name and address of
13 the person is the true name and address. The procedures may
14 provide for a 10-day delay in the release of the requested
15 information. The procedures shall also provide for notification to
16 the person to whom the information primarily relates, as to what
17 information was provided and to whom it was provided. The
18 department shall, by regulation, establish a reasonable period of
19 time for which a record of all the foregoing shall be maintained.

20 (2) The procedures required by this subdivision do not apply to
21 any governmental entity, any person who has applied for and has
22 been issued a requester code by the department, or any court of
23 competent jurisdiction.

24 (c) With respect to the inspection or sale of information from
25 the files of drivers' licenses, the department may require both the
26 full name of the driver and either the driver's license number or
27 date of birth as identifying points of the record, except that the
28 department may disclose a record without two identifying points
29 if the department determines that the public interest in disclosure
30 outweighs the public interest in personal privacy.

31 (d) With respect to the inspection or sale of information from
32 the files of drivers' licenses, certificates of ownership, and
33 registration cards, the department shall not, for a fee or otherwise,
34 allow copying by the public.

35 *SEC. 75. Section 1810.7 of the Vehicle Code is amended to*
36 *read:*

37 1810.7. (a) Except as provided in Sections 1806.5, 1808.2,
38 1808.4, 1808.5, 1808.7, and 1808.21, the department may, by
39 special permit, authorize any person to access the department's

1 electronic data base, as provided for in this section, for the purpose
2 of obtaining ~~vehicle registration~~ information for commercial use.

3 (b) The department may limit the number of permits issued
4 under this section, and may restrict, or establish priority for, access
5 to its files as the department deems necessary to avoid disruption
6 of its normal operations, or as the department deems is in the best
7 interest of the public.

8 (c) The department may establish minimum volume levels,
9 audit and security standards, and technological requirements, or
10 any terms and conditions it deems necessary for the permits.

11 (d) As a condition of issuing a permit pursuant to this section,
12 the department shall require each direct-access permittee to file a
13 performance bond or other financial security acceptable to the
14 department, in an amount the department deems appropriate.

15 (e) The department shall charge fees for direct-access service
16 permits, and shall charge fees pursuant to Section ~~1811~~ 1810 for
17 any information copied from the files.

18 (f) The department shall ensure that information provided
19 pursuant to this section includes only the public portions of
20 records.

21 (g) The director shall, on and after January 1, 1992, report
22 every three years to the Legislature on the implementation of this
23 section. The report shall include the number and location of
24 direct-access permittees, the volume and nature of direct-access
25 inquiries, procedures the department has taken to ensure the
26 security of its files, and the costs and revenues associated with the
27 project.

28 (h) The department shall establish procedures to ensure
29 confidentiality of any records of residence addresses and mailing
30 addresses as required by Sections 1808.21, 1808.22, 1808.45,
31 1808.46, and 1810.2.

32 *SEC. 76. Section 4604.5 of the Vehicle Code is amended to*
33 *read:*

34 4604.5. (a) (1) If the vehicle has not been operated, moved,
35 or left standing upon any highway subsequent to the expiration of
36 the vehicle's registration, the certification specified in Section
37 4604 or 4604.2 may be filed after the expiration of the registration
38 of a vehicle, but not later than 90 days after the expiration date,
39 subject to the payment of the filing fee specified in Section 4604
40 and the penalty specified in ~~subdivision (b)~~ paragraph (2).

1 ~~(b)~~—

2 (2) A penalty shall be collected on any certification specified
3 in Section 4604 or 4604.2 filed later than midnight of the date of
4 expiration of registration. The penalty shall be computed as
5 provided in Sections 9406 and 9559 and after the registration and
6 weight fees have been combined with the license fee specified in
7 Section 10751 of the Revenue and Taxation Code, as follows:

8 ~~(1)~~—

9 (A) For a delinquency period of 10 days or less, the penalty is
10 10 percent of the fee.

11 ~~(2)~~—

12 (B) For a delinquency period of more than 10 days, to and
13 including 30 days, the penalty is 20 percent of the fee.

14 ~~(3)~~—

15 (C) For a delinquency period of more than 30 days, to and
16 including 90 days, the penalty is 60 percent of the fee.

17 (3) *This subdivision applies to the renewal of registration of for*
18 *vehicles with expiration dates on or before December 31, 2002.*

19 *(b) The certification specified in Sections 4604 and 4604.2 may*
20 *be filed no more than 90 days after the expiration of the*
21 *registration of a vehicle if the vehicle has not been operated,*
22 *moved, or left standing upon any highway subsequent to the*
23 *expiration of the vehicle's registration. A penalty shall be collected*
24 *on any certification specified in Section 4604 or 4604.2 filed later*
25 *than midnight of the date of expiration of registration. After 90*
26 *days, the vehicle must be registered pursuant to Section 4601. A*
27 *certification filed pursuant to this subdivision is subject to the*
28 *payment of the filing fee specified in Section 4604 and the payment*
29 *of the penalties specified in paragraphs (1), (2), and (3) of this*
30 *subdivision.*

31 *(1) The penalty for late payment of the registration fee provided*
32 *in Section 9250 is as follows:*

33 *(A) For a delinquency period of 10 days or less, the penalty is*
34 *ten dollars (\$10).*

35 *(B) For a delinquency period of more than 10 days, to and*
36 *including 30 days, the penalty is fifteen dollars (\$15).*

37 *(C) For a delinquency period of more than 30 days, to and*
38 *including 90 days, the penalty is thirty dollars (\$30).*

39 *(2) The penalty on the weight fee and the vehicle license fee*
40 *shall be computed after the weight fee as provided in Section 9400*

1 or 9400.1 plus the vehicle license fee specified in Section 10751 of
2 the Revenue and Taxation Code have been added together as
3 follows:

4 (A) For a delinquency period of 10 days or less, the penalty is
5 10 percent of the fee.

6 (B) For a delinquency period exceeding 10 days, to and
7 including 30 days, the penalty is 20 percent of the fee.

8 (C) For a delinquency period of more than 30 days, to and
9 including 90 days, the penalty is 60 percent of the fee.

10 (3) Weight fees not reported and not paid within 20 days, as
11 required by Section 9406, shall be assessed a penalty on the
12 difference in the weight fee, as follows:

13 (A) For a delinquency period of 10 days or less, the penalty is
14 10 percent of the fee.

15 (B) For a delinquency period exceeding 10 days, to and
16 including 30 days, the penalty is 20 percent of the fee.

17 (C) For a delinquency period of more than 30 days, to and
18 including 90 days, the penalty is 60 percent of the fee.

19 (c) This section shall apply to registration renewals that expire
20 on or after January 1, 2003.

21 SEC. 77. Section 9552 of the Vehicle Code is amended to read:

22 9552. (a) Whenever any vehicle is operated upon any
23 highway of this state without the ~~registration fee fees~~ first having
24 been paid as required by this code, ~~that fee is~~ and those fees have
25 not been paid within 20 days of its first operation, those fees are
26 delinquent, except ~~that a renewal registration fee is delinquent 60~~
27 ~~days after the date the registered owner is notified by the~~
28 ~~department pursuant to Section 1661. The fact that the required~~
29 ~~notice was given shall be indicated by a notation in the~~
30 ~~department's records as provided in subdivision (b).~~

31 (b) Fees are delinquent whenever application for renewal of
32 registration, or any application for renewal of special license
33 plates, is made after midnight of the expiration date of the
34 registration or special plates, or 60 days after the date the
35 registered owner is notified by the department pursuant to Section
36 1661, whichever is later.

37 (c) Whenever any person has received as transferee a properly
38 endorsed certificate of ownership and the transfer fee has not been
39 paid as required by this code within 10 days, the fee is delinquent.

40 (e) —

(d) Whenever any person becomes an automobile dismantler, dealer, manufacturer, manufacturer branch, distributor, distributor branch, or transporter without first having paid the license and special plate fees as required by this code, the fees are delinquent.

SEC. 78. Section 9553 of the Vehicle Code is amended to read:

9553. (a) A penalty shall be added upon any application for renewal of registration or any application for renewal of special license plates made after midnight of the expiration date of the registration or special plates, except as provided in Section 4604 or 9706, or in subdivision (b).

~~(b) Except as provided in subdivision (c), when~~ When renewal fee penalties have not accrued with respect to a vehicle and the vehicle is transferred, the transferee has 20 days from the date of the transfer to pay the registration fees which become due without payment of any penalties ~~that otherwise would be required under subdivision (a)~~ or to file a certification pursuant to subdivision (a) of Section 4604 if the vehicle will not be operated, moved, or left standing upon any highway during the subsequent registration year ~~without first making application for registration of the vehicle, including full payment of all fees,~~ except as provided in subdivision (c).

(c) (1) A dealer or lessor-retailer submitting an application for registration or transfer of a used vehicle shall have 30 days from the date of sale to submit the fees, without the penalty that otherwise would be required under subdivision (a).

(2) This subdivision does not apply to penalties due or accrued prior to the date of sale by the dealer or lessor-retailer.

~~(d) If the fee specified in Sections 9255 and 9257 is not paid within 20 days after it becomes delinquent, a penalty shall be added thereto. A penalty shall be added if the fees specified in Section 9255 are not paid within 20 days after they become delinquent.~~

(e) In addition to the imposition of monetary fines or fees as specified in this section, delinquent registration may result in impoundment of the vehicle pursuant to Section 22651.

SEC. 79. Section 9554 of the Vehicle Code is amended to read:

9554. (a) (1) The penalty shall be computed as provided in Sections 9406 and 9559 and shall be collected with the fee, except that the penalty for delinquency with respect to any transfer is ten dollars (\$10) and applies only to the last transfer.

1 ~~(b)~~—

2 (2) A penalty shall be added on any application for renewal of
3 registration made later than midnight of the date of expiration or
4 on or after the date penalties become due. The penalty shall be
5 computed after the registration and weight fees have been
6 combined with the license fee specified in Section 10751 of the
7 Revenue and Taxation Code, as follows:

8 ~~(1)~~—

9 (A) For a delinquency period of 10 days or less, the penalty is
10 10 percent of the fee.

11 ~~(2)~~—

12 (B) For a delinquency period of more than 10 days to and
13 including 30 days, the penalty is 20 percent of the fee.

14 ~~(3)~~—

15 (C) For a delinquency period of more than 30 days to and
16 including one year, the penalty is 60 percent of the fee.

17 ~~(4)~~—

18 (D) For a delinquency period of more than one year to and
19 including two years, the penalty is 80 percent of the fee.

20 ~~(5)~~—

21 (E) For a delinquency period of more than two years, the
22 penalty is 160 percent of the fee.

23 (3) *This subdivision applies to the renewal of registration for*
24 *vehicles with expiration dates on or before December 31, 2002.*

25 (b) *Penalties specified in paragraphs (1), (2), and (3) of this*
26 *subdivision shall be computed as provided in Section 9559 and*
27 *shall be collected with the fee, except that the penalty for*
28 *delinquency with respect to any transfer is ten dollars (\$10) and*
29 *applies only to the last transfer. A penalty shall be added on any*
30 *application for a renewal of registration made later than midnight*
31 *of the date of expiration or on or after the date penalties become*
32 *due.*

33 (1) (A) *For a delinquency period of 10 days or less, the penalty*
34 *is ten dollars (\$10).*

35 (B) *For a delinquency period of more than 10 days, to and*
36 *including 30 days, the penalty is fifteen dollars (\$15).*

37 (C) *For a delinquency period of more than 30 days, to and*
38 *including one year, the penalty is thirty dollars (\$30).*

39 (D) *For a delinquency period of more than one year, to and*
40 *including two years, the penalty is fifty dollars (\$50).*

(E) For a delinquency period of more than two years, the penalty is one hundred dollars (\$100).

(2) The penalty on the weight fee and the vehicle license fee shall be computed after the weight fee as provided in Section 9400 or 9400.1 plus the vehicle license fee specified in Section 10751 of the Revenue and Taxation Code have been added together as follows:

(A) For a delinquency period or 10 days or less, the penalty is 10 percent of the fee.

(B) For a delinquency period exceeding 10 days, to and including 30 days, the penalty is 20 percent of the fee.

(C) For a delinquency period of more than 30 days, to and including one year, the penalty is 60 percent of the fee.

(D) For a delinquency period of more than one year, to and including two years, the penalty is 80 percent of the fee.

(E) For a delinquency period of more than two years, the penalty is 160 percent of the fee.

(3) Weight fees not reported and not paid within 20 days, as required by Section 9406, shall be assessed a penalty on the difference in the weight fee, as follows:

(A) For a delinquency period or 10 days or less, the penalty is 10 percent of the fee.

(B) For a delinquency period exceeding 10 days, to and including 30 days, the penalty is 20 percent of the fee.

(C) For a delinquency period of more than 30 days, to and including one year, the penalty is 60 percent of the fee.

(D) For a delinquency period of more than one year, to and including two years, the penalty is 80 percent of the fee.

(E) For a delinquency period of more than two years, the penalty is 160 percent of the fee.

(4) This subdivision applies to the renewal of registration for vehicles with expiration dates on or after January 1, 2003.

SEC. 80. Section 9554.5 of the Vehicle Code is amended to read:

9554.5. (a) A penalty shall be added on any application for original registration made later than midnight of the date of expiration or on or after the date penalties become due. The penalty shall be computed after the registration and weight fees have been combined with the license fee specified in Section 10751 of the Revenue and Taxation Code, as follows:

1 ~~(a)~~

2 (1) For a delinquency period of one year or less, the penalty is
3 40 percent of the fee.

4 ~~(b)~~

5 (2) For a delinquency period of more than one year to and
6 including two years, the penalty is 80 percent of the fee.

7 ~~(c)~~

8 (3) For a delinquency period of more than two years, the
9 penalty is 160 percent of the fee.

10 (4) *This subdivision applies to applications for an original*
11 *registration where the date for which fees are due is on or before*
12 *December 31, 2002.*

13 (b) *The penalties specified in paragraphs (1) and (2) shall be*
14 *added to any delinquent application for original registration made*
15 *on or after the date penalties become due.*

16 (1) *The penalty for the registration fee provided in Section 9250*
17 *is as follows:*

18 (A) *For a delinquency period of one year or less, the penalty is*
19 *thirty dollars (\$30).*

20 (B) *For a delinquency period of more than one year, to and*
21 *including two years, the penalty is fifty dollars (\$50)*

22 (C) *For a delinquency period of more than two years, the*
23 *penalty is one hundred dollars (\$100).*

24 (2) *The penalty on the weight fee and vehicle license fee shall*
25 *be computed after the weight fee as provided in Section 9400 or*
26 *9400.1 plus the vehicle license fee specified in Section 10751 of the*
27 *Revenue and Taxation Code have been added together, as follows:*

28 (A) *For a delinquency period of one year or less, the penalty is*
29 *40 percent of the fee.*

30 (B) *For delinquency period of more than one year, to and*
31 *including two years, the penalty is 80 percent of the fee.*

32 (C) *For a delinquency period of more than two years, the*
33 *penalty is 160 percent of the fee.*

34 (3) *This subdivision shall apply to original registrations where*
35 *the date the fee is due is on or after January 1, 2003.*

36 SEC. 81. *Section 13106 of the Vehicle Code is amended to*
37 *read:*

38 13106. (a) When the privilege of a person to operate a motor
39 vehicle is suspended or revoked, the department shall notify the
40 person by ~~certified mail, return receipt requested~~ *first class mail,*

1 of the action taken and of the effective date thereof, except for
 2 those persons personally given notice by the department or a court,
 3 by a peace officer pursuant to Section 13388 or 13382, or
 4 otherwise pursuant to this code. It shall be ~~conclusively presumed~~
 5 *a rebuttable presumption, affecting the burden of proof*, that a
 6 person has knowledge of the suspension or revocation if notice has
 7 been sent by ~~certified first class~~ mail by the department pursuant
 8 to this section to the most recent address reported to the department
 9 pursuant to Section 12800 or 14600, *or any more recent address*
 10 *on file if reported by the person, a court, or a law enforcement*
 11 *agency, and the return receipt has been signed and notice has not*
 12 *been returned to the department as undeliverable or unclaimed.* It
 13 is the responsibility of every holder of a driver's license to report
 14 changes of address to the department pursuant to Section 14600.

15 (b) The department may utilize alternative methods for
 16 determining the whereabouts of a driver, whose driving privilege
 17 has been suspended or revoked under this code, for the purpose of
 18 providing the driver with notice of suspension or revocation.
 19 Alternative methods may include, but are not limited to,
 20 cooperating with other state agencies that maintain more current
 21 address information than the department's driver's license files.

22 ~~(c) At the time of license reinstatement, the department shall~~
 23 ~~recover, through fees authorized pursuant to Section 14906, an~~
 24 ~~amount equal to its total costs of providing notices pursuant to this~~
 25 ~~section.~~

26 SEC. 82. *Section 14900 of the Vehicle Code is amended to*
 27 *read:*

28 14900. (a) Upon application for an original class C or M
 29 driver's license, there shall be paid to the department a fee of
 30 twelve dollars (\$12) for a license that will expire on the fourth
 31 birthday of the applicant following the date of the application. The
 32 payment of the fee entitles the person paying the fee to apply for
 33 a driver's license and to take three examinations within a period
 34 of 12 months from the date of the application or during the period
 35 that an instruction permit is valid, as provided in Section 12509.

36 (b) *In addition to the application fee specified in subdivision*
 37 *(a), a person who fails to successfully complete the driving skill test*
 38 *on the first attempt shall be required to pay an additional fee of five*
 39 *dollars (\$5) for each additional driving skill test administered*
 40 *under that application.*

1 (c) *The fee specified in subdivision (b) shall be collected in*
2 *conjunction with any application submitted on or after July 1,*
3 *2003.*

4 SEC. 83. *Section 14900.1 of the Vehicle Code is amended to*
5 *read:*

6 14900.1. (a) Except as provided in Sections 15250.6 and
7 15255.1, upon application for the renewal of a driver's license or
8 for a license to operate a different class of vehicle, there shall be
9 paid to the department a fee of fifteen dollars (\$15) for a license
10 that will expire on the fifth birthday of the applicant following the
11 date of the application. The payment of the fee entitles the person
12 paying the fee to apply for a driver's license and to take three
13 examinations within a period of 12 months from the date of the
14 application or during the period that an instruction permit is valid,
15 as provided in Section 12509.

16 (b) *In addition to the application fee specified in subdivision*
17 *(a), a person who fails to successfully complete the driving skill test*
18 *on the first attempt shall be required to pay an additional fee of five*
19 *dollars (\$5) for each additional driving skill test administered*
20 *under that application.*

21 (c) *The fee specified in subdivision (b) shall be collected in*
22 *conjunction with any application submitted on or after July 1,*
23 *2003.*

24 SEC. 84. *Section 14905 of the Vehicle Code is amended to*
25 *read:*

26 14905. (a) Notwithstanding any other provision of this code,
27 in lieu of the fees in Section 14904, before a driver's license may
28 be issued, reissued, or returned to a person after suspension or
29 revocation of the person's privilege to operate a motor vehicle
30 pursuant to Section 13353 or 13353.2, there shall be paid to the
31 department a fee in an amount of one hundred *twenty-five* dollars
32 ~~(\$100)~~ (\$125) to pay the costs of the administration of the
33 administrative suspension and revocation programs for persons
34 who refuse or fail to complete chemical testing, as provided in
35 Section 13353, or who drive with an excessive amount of alcohol
36 in their blood, as provided in Section 13353.2, any costs of the
37 Department of the California Highway Patrol related to the
38 payment of compensation for overtime for attending any
39 administrative hearings pursuant to Article 3 (commencing with
40 Section 14100) of Chapter 3 and Section 13382, and any

1 reimbursement for costs mandated by the state pursuant to
2 subdivisions (f) and (g) of Section 23612.

3 (b) This section does not apply to a suspension or revocation
4 that is set aside by the department or a court.

5 *SEC. 85. Section 14907 is added to the Vehicle Code, to read:*

6 *14907. In addition to the fees required pursuant to Section*
7 *14904, there shall be paid to the department a fee of one hundred*
8 *twenty dollars (\$120) to pay the costs of a departmental review*
9 *when requested pursuant to Section 14105.5, following a hearing*
10 *conducted pursuant to Section 13353 or 13353.2. The fee*
11 *authorized under this section shall be collected in conjunction with*
12 *any request for a departmental review received on or after January*
13 *1, 2003.*

14 *SEC. 86. Section 34602 of the Vehicle Code is amended to*
15 *read:*

16 *34602. As used in this division, "fund" means the Motor*
17 *Carriers Permit Vehicle Account of the State Transportation Fund.*

18 *SEC. 87. Section 34605 of the Vehicle Code is amended to*
19 *read:*

20 *34605. (a) The department may contract with the Office of*
21 *Administrative Hearings to administer proceedings and impose*
22 *finances for failure to comply with Division 14.8 (commencing with*
23 *Section 34500), or this division, or regulations adopted pursuant*
24 *to this code.*

25 *(b) The department and the California Highway Patrol may*
26 *also contract with the Public Utilities Commission to administer*
27 *this division in a manner described by the contract, or if permitted*
28 *by the Department of Motor Vehicles, in a manner as existed on*
29 *January 1, 1996. This temporary authority shall be terminated on*
30 *December 31, 1997.*

31 *(c) All fees collected under this contract shall be deposited in*
32 *the Motor Carriers Permit Vehicle Account of the State*
33 *Transportation Fund created pursuant to subdivision (a) of Section*
34 *7236 of the Revenue and Taxation Code.*

35 *SEC. 88. The unencumbered balance remaining in the Motor*
36 *Carriers Permit Fund on June 30, 2003, shall be transferred and*
37 *deposited into the Motor Vehicle Account of the State*
38 *Transportation Fund by the end of June 30, 2003. Any other*
39 *amounts collected or received as revenues or transfers nominally*
40 *directed to the Motor Carriers Permit Fund after June 30, 2003,*

1 *shall also be transferred and deposited into the Motor Vehicle*
2 *Account of the State Transportation Fund.*

3 *SEC. 89. From funds collected from the fees, but not the*
4 *penalties, imposed under Sections 1661, 4604.5, 9552, 9553,*
5 *9554, and 9554.5 of the Vehicle Code the sum of three million six*
6 *hundred ninety-three thousand dollars (\$3,693,000) is hereby*
7 *appropriated to the Department of Motor Vehicles, for purposes of*
8 *implementing this act.*

9 *SEC. 91. Section 13260 of the Water Code is amended to read:*

10 13260. (a) All of the following persons shall file with the
11 appropriate regional board a report of the discharge, containing the
12 information which may be required by the regional board:

13 (1) Any person discharging waste, or proposing to discharge
14 waste, within any region that could affect the quality of the waters
15 of the state, other than into a community sewer system.

16 (2) Any person who is a citizen, domiciliary, or political agency
17 or entity of this state discharging waste, or proposing to discharge
18 waste, outside the boundaries of the state in a manner that could
19 affect the quality of the waters of the state within any region.

20 (3) Any person operating, or proposing to construct, an
21 injection well.

22 (b) No report of waste discharge need be filed pursuant to
23 subdivision (a) if the requirement is waived pursuant to Section
24 13269.

25 (c) Every person subject to subdivision (a) shall file with the
26 appropriate regional board a report of waste discharge relative to
27 any material change or proposed change in the character, location,
28 or volume of the discharge.

29 (d) (1) Each person for whom waste discharge requirements
30 have been prescribed pursuant to Section 13263 shall submit an
31 annual fee not to exceed ~~ten thousand dollars (\$10,000)~~ *twenty*
32 *thousand dollars (\$20,000)*, according to a reasonable fee
33 schedule established by the state board. Fees shall be calculated on
34 the basis of total flow, volume, number of animals, ~~threat to water~~
35 ~~quality~~, or area involved.

36 (2) (A) Subject to subparagraph (B), any fees collected
37 pursuant to this section shall be deposited in the Waste Discharge
38 Permit Fund which is hereby created. The money in the fund is
39 available for expenditure by the state board, upon appropriation by
40 the Legislature, for the purposes of carrying out this division.

(B) (i) Notwithstanding subparagraph (A), the fees collected pursuant to this section from storm water dischargers that are subject to a general industrial or construction storm water permit under the national pollutant discharge elimination system (NPDES) shall be separately accounted for in the Waste Discharge Permit Fund.

(ii) Not less than 50 percent of the money in the Waste Discharge Permit Fund that is separately accounted for pursuant to clause (i) is available, upon appropriation by the Legislature, for expenditure by the regional board with jurisdiction over the permitted industry or construction site that generated the fee to carry out storm water programs in the region.

(iii) Each regional board that receives money pursuant to clause (ii) shall spend not less than 50 percent of that money solely on storm water inspection and regulatory compliance issues associated with industrial and construction storm water programs.

(3) Any person who would be required to pay the annual fee prescribed by paragraph (1) for waste discharge requirements applicable to discharges of solid waste, as defined in Section 40191 of the Public Resources Code, at a waste management unit that is also regulated under Division 30 (commencing with Section 40000) of the Public Resources Code, and who is or will be subject to the fee imposed pursuant to Section 46801 of the Public Resources Code in the same fiscal year, shall be entitled to a waiver of the annual fee for the discharge of solid waste at the waste management unit imposed by paragraph (1) upon verification by the state board of payment of the fee imposed by Section 48000 of the Public Resources Code, and provided that the fee established pursuant to Section 48000 of the Public Resources Code generates revenues sufficient to fund the programs specified in Section 48004 of the Public Resources Code and the amount appropriated by the Legislature for those purposes is not reduced.

(4) The maximum fee amount set forth in paragraph (1) of subdivision (d) shall be adjusted annually to reflect increases or decreases in the cost of living as measured by the Consumer Price Index prepared by the Department of Industrial Relations or a successor agency.

(e) Each report of waste discharge for a new discharge submitted under this section shall be accompanied by a fee equal in amount to the annual fee for the discharge. If waste discharge

1 requirements are issued, the fee shall serve as the first annual fee.
2 If waste discharge requirements are waived pursuant to Section
3 13269, all or part of the fee shall be refunded.

4 (f) (1) ~~On or before January 1, 1990, the~~ The state board shall
5 adopt, by emergency regulations, a schedule of fees authorized
6 under subdivisions (d) and (j). The total revenue collected each
7 year through annual ~~and filing~~ fees shall be set at an amount equal
8 to the revenue levels set forth in the Budget Act for this activity.
9 The state board shall automatically adjust the annual ~~and filing~~
10 fees each fiscal year to conform with the revenue levels set forth
11 in the Budget Act for this activity. If the state board determines that
12 the revenue collected during the preceding year was greater than,
13 or less than, the revenue levels set forth in the Budget Act, the state
14 board may further adjust the annual ~~filing~~ fees to compensate for
15 the over and under collection of revenue.

16 (2) The emergency regulations adopted pursuant to this
17 subdivision, *any amendment thereto*, or subsequent adjustments to
18 the annual fees, shall be adopted by the state board in accordance
19 with Chapter 3.5 (commencing with Section 11340) of Part 1 of
20 Division 3 of Title 2 of the Government Code. The adoption of
21 these regulations is an emergency and shall be considered by the
22 Office of Administrative Law as necessary for the immediate
23 preservation of the public peace, health, safety, and general
24 welfare. Notwithstanding Chapter 3.5 (commencing with Section
25 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
26 any emergency regulations adopted by the state board, or
27 adjustments to the annual fees made by the state board pursuant to
28 this section, shall not be subject to review by the Office of
29 Administrative Law and shall remain in effect until revised by the
30 state board.

31 (g) The state board shall adopt regulations setting forth
32 reasonable time limits within which the regional board shall
33 determine the adequacy of a report of waste discharge submitted
34 under this section.

35 (h) Each report submitted under this section shall be sworn to,
36 or submitted under penalty of perjury.

37 (i) The regulations adopted by the state board pursuant to
38 subdivision (f) shall include a provision that annual fees shall not
39 be imposed on those who pay fees under the National Pollutant
40 Discharge Elimination System until the time when those fees are

1 again due, at which time the fees shall become due on an annual
2 basis.

3 (j) Facilities for confined animal feeding or holding operations,
4 including dairy farms, which have been issued waste discharge
5 requirements or exempted from waste discharge requirements
6 prior to January 1, 1989, are exempt from subdivision (d). If the
7 facility is required to file a report under subdivision (c) after
8 January 1, 1989, the report shall be accompanied by a filing fee,
9 to be established by the state board in accordance with subdivision
10 (f), not to exceed two thousand dollars (\$2,000), and the facility
11 shall be exempt from any annual fee.

12 (k) Any person operating or proposing to construct an oil, gas,
13 or geothermal injection well subject to paragraph (3) of
14 subdivision (a), shall not be required to pay a fee pursuant to
15 subdivision (d), if the injection well is regulated by the Division
16 of Oil and Gas of the Department of Conservation, in lieu of the
17 appropriate California regional water quality control board,
18 pursuant to the memorandum of understanding, entered into
19 between the state board and the Department of Conservation on
20 May 19, 1988. This subdivision shall remain operative until the
21 memorandum of understanding is revoked by the state board or the
22 Department of Conservation.

23 (l) In addition to the report required by subdivision (a), before
24 any person discharges mining waste, the person shall first submit
25 the following to the regional board:

26 (1) A report on the physical and chemical characteristics of the
27 waste that could affect its potential to cause pollution or
28 contamination. The report shall include the results of all tests
29 required by regulations adopted by the board, any test adopted by
30 the Department of Toxic Substances Control pursuant to Section
31 25141 of the Health and Safety Code for extractable, persistent,
32 and bioaccumulative toxic substances in a waste or other material,
33 and any other tests that the state board or regional board may
34 require, including, but not limited to, tests needed to determine the
35 acid-generating potential of the mining waste or the extent to
36 which hazardous substances may persist in the waste after
37 disposal.

38 (2) A report that evaluates the potential of the discharge of the
39 mining waste to produce, over the long term, acid mine drainage,

1 the discharge or leaching of heavy metals, or the release of other
2 hazardous substances.

3 (m) Except upon the written request of the regional board, a
4 report of waste discharge need not be filed pursuant to subdivision
5 (a) or (c) by a user of recycled water that is being supplied by a
6 supplier or distributor of recycled water for whom a master
7 recycling permit has been issued pursuant to Section 13523.1.

8 *SEC. 92. Section 3053 of the Welfare and Institutions Code is*
9 *amended to read:*

10 3053. (a) If at any time following receipt at the facility of a
11 person committed pursuant to this article, the Director of
12 Corrections concludes that the person, because of excessive
13 criminality or for other relevant reason, *including the person's*
14 *eligibility for treatment pursuant to Section 1210.1 of the Penal*
15 *Code*, is not a fit subject for confinement or treatment in ~~such the~~
16 narcotic detention, treatment, and rehabilitation facility, he *or she*
17 shall return the person to the court in which the case originated for
18 ~~such~~ further proceedings on the criminal charges ~~as~~ that *the* court
19 may deem warranted.

20 (b) A person committed pursuant to this article who is
21 subsequently committed to the Director of Corrections pursuant to
22 Section 1168 or 1170 of the Penal Code shall not be a fit subject
23 for treatment pursuant to this article. The court committing the
24 person to the Director of Corrections pursuant to Section 1168 or
25 1170 of the Penal Code shall immediately notify the court ~~which~~
26 *that* originally committed the person pursuant to this article. Upon
27 receipt of ~~such the~~ person committed pursuant to Section 1168 or
28 1170 of the Penal Code or upon notification of such commitment,
29 whichever is sooner, the Director of Corrections shall notify the
30 court ~~which that~~ committed the person pursuant to this article of
31 ~~such the~~ subsequent commitment. Upon receipt of notification of
32 ~~such the~~ subsequent commitment the court ~~which that~~ had
33 committed the person pursuant to this article shall automatically
34 terminate the commitment and shall promptly set for hearing the
35 matter of further proceedings on the criminal charges.

36 (c) If the defendant was originally committed pursuant to
37 Section 3050 or 3051, the committing court, if the criminal
38 proceedings were conducted in another court, shall notify that
39 court ~~which that~~ adjourned its criminal proceedings or suspended
40 sentence in ~~such the~~ case pending the civil commitment. In ~~such~~

1 *that event, that criminal court shall then promptly set for hearing*
 2 *the matter of the sentencing of the defendant upon the conviction*
 3 *which that subsequently resulted in the original civil commitment.*

4 *SEC. 93. Section 3055 is added to the Welfare and Institutions*
 5 *Code, to read:*

6 *3055. The Director of Corrections is authorized to establish*
 7 *a limit on the number of persons that may be committed to the*
 8 *narcotic detention, treatment, and rehabilitation facility pursuant*
 9 *to this chapter. In order to achieve this limit, the director may refer*
 10 *a person back to the court in which the case originated for such*
 11 *further proceedings as that court may deem necessary.*

12 *SEC. 94. (a) If a case management system is funded in Item*
 13 *8350-001-0001 of the Budget Act of 2002, that system shall be*
 14 *made accessible as follows:*

15 *(1) The Department of Industrial Relations shall procure a*
 16 *Case Management System that has the capability to ultimately*
 17 *provide the public with free, web-based access to a searchable data*
 18 *base containing all of the following information:*

19 *(A) The status of all complaints, citations, and administrative*
 20 *proceedings.*

21 *(B) The name of the investigator and attorney assigned to a*
 22 *matter, when applicable.*

23 *(C) The final disposition of all complaints, citations, and*
 24 *administrative proceedings.*

25 *(2) The department shall take appropriate steps to ensure*
 26 *compliance with all applicable legal requirements regarding the*
 27 *privacy rights of employees and witnesses.*

28 *(b) It is the intent of the Legislature that when the data base is*
 29 *operational, it will provide the public with information similar to*
 30 *the information provided by the federal courts through their*
 31 *PACER system, <https://pacer.uspci.uscourts.gov/index.html>, and*
 32 *offered by the Establishment Search of the Occupational Safety*
 33 *and Health Administration at*
 34 *<http://155.103.6.10/cgi-bin/est/est1>.*

35 *SEC. 95. (a) The Legislature finds and declares all of the*
 36 *following:*

37 *(1) The juvenile arrest rate in California has declined*
 38 *dramatically over the last several years. From 1995 to 2000,*
 39 *inclusive, the felony arrest rate for juveniles dropped over 34*
 40 *percent; from 1980 to 2000, inclusive, the felony juvenile arrest*

1 rate declined 50 percent. During the same 20-year period, the total
2 juvenile arrest rate dropped over 38 percent.

3 (2) County probation departments now supervise
4 approximately 97 percent of all juvenile offenders; the remaining
5 3 percent are committed to the Department of the Youth Authority.

6 (3) Commitments to the Department of the Youth Authority
7 have dropped by almost 40 percent since 1995 to 1996, inclusive.

8 (4) Despite the significant decline in the number of persons
9 committed to the Youth Authority, the Department of the Youth
10 Authority continues to operate the same number of institutions and
11 camps as it did when its population peaked at over 10,000 wards.
12 The department similarly continues to expend an annual budget
13 exceeding four hundred million dollars (\$400,000,000).

14 (5) As a result of the Department of the Youth Authority's drop
15 in population and continued operation of all of its facilities, the
16 cost-per-ward at the Youth Authority is about fifty thousand dollars
17 (\$50,000) per year.

18 (6) In these fiscally challenging times, prudent public policy
19 dictates that the Department of Youth Authority consolidate its
20 facilities and programs to reflect its reduced population.

21 (7) It is the intent of the Legislature that the Department of the
22 Youth Authority produce a viable plan for closing three of its
23 facilities in a manner that achieves fiscal savings for the state and
24 assures public safety through sound correctional programming
25 consistent with the requirements of Chapter 1 (commencing with
26 Section 1700) of Division 2.5 of the Welfare and Institutions Code.

27 (b) (1) The Department of the Youth Authority shall submit to
28 the Department of Finance and the fiscal committees of the
29 Legislature on or before November 1, 2002, a written plan to close
30 at least three facilities by June 30, 2007.

31 (2) The Department of the Youth Authority shall close at least
32 one facility pursuant to the plan required by this subdivision not
33 later than June 30, 2004.

34 (c) The plan submitted pursuant to subdivision (b) shall
35 include, but not be limited to, the following information regarding
36 the proposed closure or closures:

37 (1) Identification of the facilities proposed for closure.

38 (2) The basis for selecting the facilities for closure.

39 (3) The basis for not selecting the facilities that are not
40 proposed for closure.

1 (4) A description of the land and buildings that would be
2 affected by the proposed closures.

3 (5) Potential alternative uses for the land and buildings that
4 would be affected by the proposed closures, including, but not
5 limited to, sale or lease of the property.

6 (6) A description of existing lease arrangements, if any,
7 regarding the facilities proposed for closure.

8 (7) Projected savings to the department from the proposed
9 closures.

10 (8) Projected costs to the department for implementing the
11 plan.

12 (9) A proposed timetable for implementing the plan.

13 (10) The number and classification of positions affected by the
14 proposed closures, including proposed reassignment plans for
15 current staff located at the facilities proposed to be closed, and
16 anticipated attrition of affected staff through retirement,
17 resignation or other reasons.

18 (11) A description of treatment programs that will be required
19 to be moved to or expanded at other facilities as a result of the
20 proposed closures.

21 (12) A proposed relocation plan for wards who will have to be
22 moved as a result of the proposed closures.

23 (13) A description of any changes that will have to be made at
24 any facilities not proposed for closure as a result of the proposed
25 closures.

26 (14) A description of any systemwide improvements
27 recommended by the department as essential to effect a smooth and
28 orderly reduction of the total number of facilities.

29 (15) Any additional information deemed relevant by the
30 department.

31 (d) The department shall consult with the Department of
32 General Services in preparing the written plan required by this
33 section, and shall be available to confer with the Legislature
34 during the preparation of the plan concerning its status and any
35 issues of concern.

36 SEC. 96. Section 7236 of the Revenue and Taxation Code and
37 Sections 34602 and 34605 of the Vehicle Code, as amended by this
38 act, shall become operative on July 1, 2003.

39 SEC. 97. No reimbursement shall be made from the State
40 Mandates Claims Fund pursuant to Part 7 (commencing with

1 Section 17500) of Division 4 of Title 2 of the Government Code for
2 costs mandated by the state pursuant to this act. It is recognized,
3 however, that a local agency or school district may pursue any
4 remedies to obtain reimbursement available to it under Part 7
5 (commencing with Section 17500) and any other provisions of law.

6 SEC. 98. This act is an urgency statute necessary for the
7 immediate preservation of the public peace, health, or safety
8 within the meaning of Article IV of the Constitution and shall go
9 into immediate effect. The facts constituting the necessity are:

10 In order to make the necessary statutory changes to implement
11 the Budget Act of 2002, with respect to the funding of programs
12 relating to state and local government, it is necessary that this act
13 go into immediate effect.

14 ~~act to make the necessary statutory changes to implement the~~
15 ~~Budget Act of 2002 relative to the Public Employees' Retirement~~
16 ~~System.~~

17 ~~SEC. 2. This act is an urgency statute necessary for the~~
18 ~~immediate preservation of the public peace, health, or safety~~
19 ~~within the meaning of Article IV of the Constitution and shall go~~
20 ~~into immediate effect. The facts constituting the necessity are:~~

21 ~~In order to make the necessary statutory changes to implement~~
22 ~~the Budget Act of 2002 at the earliest possible time, it is necessary~~
23 ~~that the act take effect immediately.~~